

8.2. Navigational Safety Bylaw

Prepared for:	Council
Report No.	GOV2628
Activity:	Governance Report
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PURPOSE

- [1] To seek approval to undertake public consultation on an updated Otago Navigation Safety Bylaw under the Local Government Act 2002 (LGA), and delegate authority to three Councillors to hear submissions and make recommendations to Council on the updated Bylaw.

EXECUTIVE SUMMARY

- [2] On 26 November 2025, Council approved a review of the Otago Navigation Safety Bylaw 2020 under the LGA. A new Navigation Safety Bylaw is required by 3 April 2026, when the current Bylaw will be automatically revoked under section 160A of the LGA.
- [3] Staff have completed a review of the Bylaw and are proposing the following key changes:
- a. New requirement for commercial vessels operating within Otago Harbour to have an automatic identification system (AIS);
 - b. Changes to anchoring rules in Otago Harbour;
 - c. New capability for online reporting; and
 - d. Minor other changes for clarity and readability.
- [4] These amendments will ensure the Otago Navigation Bylaw remains up to date, fit for purpose, and aligned with navigational safety best practice.
- [5] Under section 156 of the LGA, and in line with Council's Significance, Engagement and Māori Participation Policy 2022, Council must use the Special Consultative Procedure under section 83 of the LGA when making, amending or revoking bylaws. Staff propose to consult with the public on the updated Otago Navigation Safety Bylaw in accordance with the LGA process from 12 January to 12 February 2026, with a hearing to be held in February to consider submissions, overseen by three Councillors with delegated authority.
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RECOMMENDATION

That the Council:

- 1) **Notes** the report, the proposed amendments to the Otago Navigation Safety Bylaw, the Statement of Proposal, and the draft communications plan.
- 2) **Approves** public consultation on the updated Navigation Safety Bylaw under the Local Government Act 2002, subject to any changes discussed (options 1A, 2A and 3A).
- 3) **Delegates to the Chief Executive** the authority to correct any minor typographical errors in the proposed Navigation Safety Bylaw or Statement of Proposal as needed prior to notification.
- 4) **Delegates** authority to three Councillors to hear submissions on the proposed Otago Navigation Safety Bylaw and make recommendations to Council on adopting the Bylaw.

BACKGROUND

- [6] The Otago Regional Council has a responsibility to manage navigational safety in Otago under the Maritime Transport Act 1994 (MTA). The MTA empowers regional councils to make navigation safety bylaws under the LGA to ensure maritime safety. The Otago Navigation Safety Bylaw 2020 assists with the regulation of ports, harbours, waters and maritime-related activities in the Otago region.
- [7] The LGA sets out that bylaws must be reviewed within five years of the date it is first made. The Otago Navigation Safety Bylaw was first made on 3 April 2019 and amended in 2020.
- [8] On 26 November 2025, Council approved the commencement of the process for reviewing the Otago Navigation Safety Bylaw 2020 under the LGA.

DISCUSSION

The Review

- [9] Staff have completed a thorough review of the Bylaw and have identified the following issues:
- a. 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. AIS provides a greater overview of navigational safety and provides 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.
 - b. Currently there is a 14-day limit for anchoring in one place in Otago Harbour. however, some boat users and owners are 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, and a loophole allowing for anchoring for longer periods of time than intended under the existing bylaw.
 - c. The Bylaw requires people to report accidents, incidents or mishaps in Otago Harbour to the Harbourmaster, since the original bylaw ORC has developed an online reporting system for maritime incidents.

- [10] At the 26 November 2025 meeting, Council asked whether the Bylaw could manage drink and drug driving of vessels in Otago waters.
- [11] The MTA under Section 33 enables navigation safety bylaws for the purpose of ensuring maritime safety in a region – controlling alcohol or other drug use while operating a vessel could fit within this purpose. This is not currently regulated at the national level as it relates to recreational use. Currently, Queenstown Lakes District Council, Auckland Council, and Northland Regional Council have provisions in their Navigation Safety Bylaws that prohibit the use of a vessel while intoxicated, or where operators are incapable of having proper control of the vehicle as a result of alcohol or other drug use.
- [12] To date, there have been no accidents reported to Council caused in Otago waters as a result of the use of vessels when intoxicated. However, as alcohol or other drug consumption is not currently regulated in the Bylaw, therefore it is unclear whether this is a significant issue in Otago.
- [13] Under the current Bylaw (section 6(1)), a 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. If unsafe operation or an accident is reported, the Harbourmaster can investigate regardless of the cause.

Proposed changes to the Bylaw

- [14] Staff propose to address the issues identified by making the following changes to the Bylaw:
 - a. A new requirement for commercial vessels operating within Otago Harbour to have AIS. This technology can assist vessels safely navigating around each other and can improve vessel management. Marlborough District Council recently introduced this requirement. 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.
 - b. 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. This adjustment allows for better management of the harbour.
 - c. Provide an online incident report option via the Harbourmaster website page.
 - d. Other minor changes for clarity and readability.
- [15] Staff are not recommending an amendment to control the use of alcohol and other drugs on recreational vessels within Otago waters at this time, although it may be appropriate in future, for example if Maritime New Zealand include alcohol and other drug use in national rules. This is outlined below.
- [16] A key issue is enforceability of any proposed provisions. The administration and use of devices for breath testing is regulated under the Land Transport Act 1998, and the MTA does not deal with this issue except for very limited circumstances (i.e. commercial operators).
- [17] Assessing whether a person in charge of a vessel is intoxicated or incapable of having control of the vessel is likely to be challenging, subjective, and potentially open to challenge without a hard backstop of a breath test.

- [18] If Council remains interested in pursuing a provision related to alcohol or other drug use on vessels, a survey of recreational boat users may provide some insight into how much of an issue this is within Otago.
- [19] Overall, the proposed amendments are considered to be the most effective and efficient way to address the issues identified. These matters are able to be included in the Bylaw because they relate to matters under Section 33 of the MTA - relate to the use and control of ships, prevents nuisance arising from the use of ships and from the actions of persons and things on or in the water.
- [20] These amendments will ensure the Otago Navigation Bylaw remains up to date, fit for purpose, and aligned with navigational safety best practice. A tracked change version of the updated Bylaw is attached as an Appendix. The form of the Bylaw in one standalone document is the most appropriate form as it ensures that the information is in one place and readily accessible.
- [21] Maritime New Zealand and the Harbourmaster National Bylaw Working group have been consulted on the proposed amendments. Harbourmaster feedback has been incorporated into the draft Bylaw and Maritime New Zealand will provide a submission during the public consultation process.

Proposed public consultation

- [22] Under section 156 of the LGA, and in line with Council's Significance, Engagement and Māori Participation Policy 2022, Council must use the Special Consultative Procedure under sections 83 and 86 of the LGA when making, amending or revoking bylaws. This requires Council to make available:
 - a. A copy of the draft bylaw proposed to be made or amended;
 - b. The reasons for the bylaw; and
 - c. A report on any relevant determinations by Council under section 155 of the LGA. These matters were discussed in the last paper to Council on the Bylaw and this paper, i.e. whether a bylaw is still the most appropriate way of addressing the perceived problem, and whether the bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990.
- [23] The report required by the LGA, has been prepared and is attached in the form of a Statement of Proposal. This report includes what the bylaw proposes to address, the form of the bylaw and how people can participate in the process.
- [24] In addition, Council is required to:
 - a. Inform people how they can present their views on the bylaw;
 - b. Give people at least 1 month to submit their views; and
 - c. Provide an opportunity for people to present their submission orally (or in NZ Sign Language) to Council in person or via audio link or audiovisual link.

- [25] Staff propose to undertake the consultation process between 12 January 2026 and 12 February 2026 (4 weeks). This would be undertaken in accordance with He Mahi Rau Rika - ORC's Significance, Engagement and Māori Participation Policy 2022 and the requirements of the LGA.
- [26] The consultation process is proposed to be submission-based and the following key publicity channels will be used:
- a. ORC Web page;
 - b. Your Say survey online (no specific questions/asking for general feedback on draft); and
 - c. External advertising to promote this review includes social media, newspaper and online, community newsletters/paper advertising across region, and stakeholder communications e.g. local authorities.

Decision-making

- [27] It is proposed that a delegation of three Councillors will hear submissions from interested parties and the public on the proposed Bylaw at the end of February 2026. The Councillors would then make a recommendation on any amendments required to the Bylaw as a result of submissions and whether Council should adopt the proposed Bylaw.
- [28] A paper for Council consideration of the proposed Bylaw and recommendations from the hearing panel would be prepared in March 2026.
- [29] The new Bylaw ideally needs to come into force by 3 April 2026 or soon after, when the existing Bylaw will be automatically revoked under section 160A of the LGA.

OPTIONS

Notification of the Bylaw

Option 1A – Notify the bylaw and publicly consult (Recommended)

- [30] Local authorities are required to undertake the Special Consultative Procedure under section 83 of the LGA when making, amending or revoking bylaws. Council's Significance and Engagement Policy also requires public consultation in line with the LGA when making or amending bylaws.
- [31] By taking this step, Council will progress the review of the Bylaw and will have better means to intervene and manage maritime risks. This will help ensure public safety on our waterways and lead to better safe boating practices.

Option 1B – do not notify the Bylaw

- [32] If Council does not consult on the updated Bylaw, it cannot adopt it and the current Bylaw will automatically be revoked on 3 April 2026.
- [33] This will mean that there will be no means to effectively control navigation in Otago waterways. Without a Bylaw, Council has limited powers to manage these navigation

safety issues. The Resource Management Act 1991 does not include provisions that address maritime safety or navigation.

- [34] As a result, there is the potential for safer boating practices to lapse; there will be no regulatory basis to support water users and there is potential for incidents and accidents across the region's waterways to increase.

Delegation to Councillors

Option 2A – Delegation to Councillors to form a hearing panel (Recommended)

- [35] It is common for Councils to delegate authority to panels of decision makers to hear submissions and write a recommending report and this is an approach Council took for the previous Navigation Safety Bylaw.
- [36] Delegating authority to a panel of three Councillors to hear any submissions and make a recommendation back to Council on the Bylaw, is recommended because it is an efficient approach with three Councillors instead of full Council undertaking this work. Under this option full Council still makes the decision to adopt the Bylaw (or not) based on the report provided by the hearing panel but does not hear the submissions or write the decision report. This option supports a democratic and transparent process and helps give effect to the decision-making principles of the LGA.

Option 2B – No delegation to a hearing panel

- [37] If Council does not delegate to a hearing panel, then full Council will need to hear and decide on the submissions and write the recommending report. This is not recommended as it is not as efficient as the recommended option.

Inclusion of a rule around alcohol and drugs in the Bylaw

Option 3A – Do not include regulations around use of vessels while intoxicated (Recommended)

- [38] Staff have identified risks with including provisions in the Bylaw that control the operation of vessels while intoxicated, including:
- a. There are potential challenges with enforceability (as discussed above);
 - b. Maritime New Zealand has not regulated this requirement at the national level to date, and only three navigation safety bylaws in New Zealand include provisions relating to intoxication; and
 - c. It may be perceived as an over-reach by Council.
- [39] Not including a provision around alcohol and other drug use would maintain the status quo and would enable discussions at the national level to continue. As noted above, Council could investigate whether alcohol misuse while operating vessels in the Otago is a significant issue, and engage with Harbourmasters in Queenstown, Auckland and Northland to discuss implementation of the intoxication provisions in their navigation safety bylaws.

Option 3B – Include regulations around the use of vessels while intoxicated

- [40] Council could choose to introduce a requirement around not using vessels while intoxicated in the proposed Bylaw. There is precedent for this in three other Councils Navigational Safety Bylaws, and it is within the scope of the purpose of the Bylaw.
- [41] Given QLDC already has this requirement it would result in consistency across all of Otago's waterways. However, work would need to be undertaken on how such a provision could be enforced. Staff anticipate new training requirements, additional approved and tested equipment, and regular monitoring and audit processes, in order for a new alcohol and other drug related rule to be carried out consistently and legally. At this stage the cost of implementing such a provision and the implications on the Harbourmaster budget is unknown. The use of breathalysers, which would be a key method to support this is strictly regulated under the Land Transport Act 1998.

CONSIDERATIONS**Strategic Framework and Policy Considerations**

- [42] The Bylaw connects the Strategic Directions to ORC's work programme for matters related to navigation safety.

Financial Considerations

- [43] The notification of the Bylaw and associated costs is not included in current work programmes or budgets. However, any costs for communication materials, hearings and staff time to support the review of the Bylaw can be accommodated within existing budgets by reprioritising other work and using support from internal teams.

Significance and Engagement Considerations

- [44] The Council's Significance and Engagement Policy requires Council the Special Consultative Procedure required under the LGA.
- [45] The proposed consultation approach meets the requirements of the LGA and the Significance and Engagement Policy.

Legislative and Risk Considerations

- [46] Council will meet its obligations under the LGA by consulting with the public on the proposed Bylaw.
- [47] The commencement of public consultation on the Bylaw will reduce any risk of not having a bylaw in force, come April 2026.

Climate Change Considerations

- [48] There are no direct climate change considerations because of any decision to notify the Bylaw.

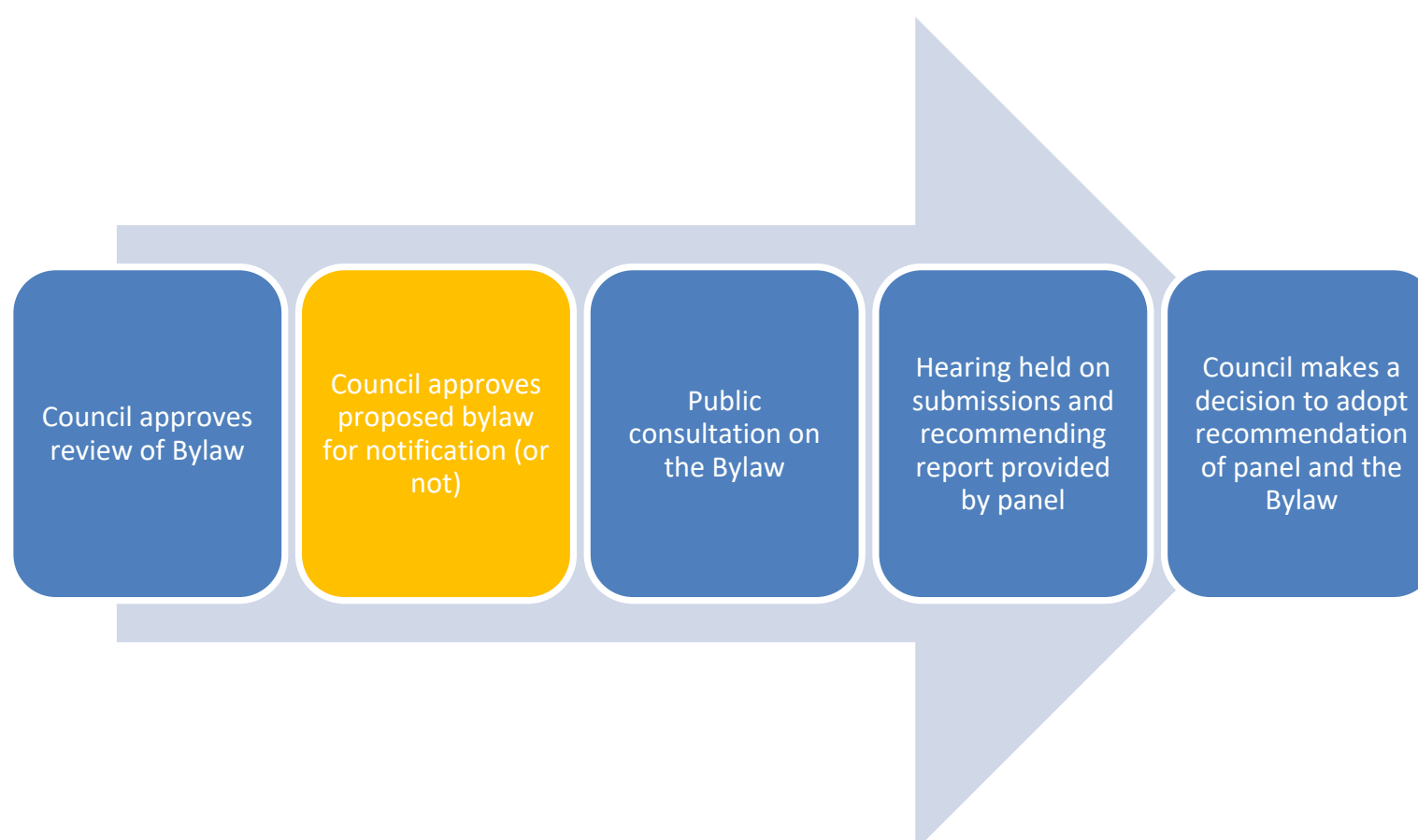
Communications Considerations

- [49] A communications plan has been developed to support any consultation on the Bylaw. A copy of the plan is attached.

NEXT STEPS

[50] The next steps are:

- a. Releasing the proposed Bylaw and associated information to the public for formal consultation.
- b. Holding a hearing on the proposed Bylaw in 2026.
- c. Report back to Council on the decision of the hearing panel with recommendations.



ATTACHMENTS

1. Proposal Statement ORC Navigation Safety Bylaw Review [**8.2.1** - 8 pages]
2. Communications Plan - Harbourmaster Bylaw Review [**8.2.2** - 2 pages]
3. New Proposed Bylaw Tracked Changes [**8.2.3** - 42 pages]
4. New Proposed Bylaw Edited Option Clean version [**8.2.4** - 42 pages]



Statement of Proposal

Draft ORC Navigation Safety Bylaw 2026

January 2026

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1. Introduction

Context

Under the Maritime Transport Act (1994), ORC has the authority to regulate ports, harbours, waters and maritime-related activities in the Otago Region. The Otago Regional Council (ORC) is proposing a Bylaw to manage Navigational Safety in Otago.

A Bylaw was developed and put in place in 2019 and amended in 2020. An internal review of the ongoing effectiveness of the existing Bylaw has now been completed. In most cases it has been decided that the existing Bylaw rules are effective for the ongoing safety of the community on the water. Council generally reviews the Bylaw every five years to ensure that the Bylaws reflect the most up to date legislation, latest best practice, up to date maritime regulations and rules, and current regional risks and issues.

Port Chalmers and Dunedin are busy commercial ports that are accessed by constrained waterways. Due to the narrow waterways, evasive action by ships may result in grounding with attendant risks to vessels, people and to the environment. Waterways across Otago are also used for a number of recreational activities. For these reasons it's important to manage the risks arising from shared use of these waterways by shipping and continued use by recreational water users.

Coverage of the Draft 2026 Bylaw

Responsibility for managing maritime safety in waters of the Queenstown Lakes District has previously been transferred by Council to Queenstown Lakes District Council ("QLDC"). This proposal addresses maritime safety in the remainder of the Otago Region including all navigable inland waters and all marine waters out to the 12 nautical limit of the Territorial Sea.

Bylaw Preparation

In preparing this proposed bylaw the Harbourmaster has reviewed the navigation safety bylaw for Otago and the adjoining Southland and Canterbury regions.

A primary focus of the draft bylaw is recreational and commercial activities. Council has drafted the bylaw with the objective of applying the minimum set of risk controls required for navigation safety. The bylaw sets out essential controls on practices for people using the waters of the Otago Region.

Why do we have a navigation safety bylaw?

Council can address certain issues using a bylaw. Bylaws are made under the Local Government Act 2002 (LGA) for one (or more) of the following reasons:

1. protecting the public from nuisance;

2. protecting, promoting, and maintaining public health and safety; OR
3. minimising the potential for offensive behaviour in public places

The Maritime Transport Act 1994 (MTA) empowers regional councils to make navigation safety bylaws to ensure maritime safety. The purpose of navigation safety bylaws is to ensure maritime safety is achieved. The MTA enables Council to create a bylaw that addresses a range of different matters relating to navigation safety. The MTA also provides Council with the power to enforce navigation safety regulations using infringement fines.

The reason for the proposal

Section 33 of the MTA 1994 gives Regional Councils the power to make navigation bylaws for the purpose of ensuring maritime safety in their region. These bylaws are then made under the LGA 2002. In making a bylaw under the LGA, there is a requirement for any new Bylaw to be reviewed within five years and then every ten years after that.

The Bylaw enables maritime safety in the Otago Region by regulating and controlling the use of vessels and waterways in the region. The primary focus is recreational boating. The bylaw covers the wearing of lifejackets, notification of incidents, seaworthy vessels, vessels to be identified and a range of other matters.

The November and December 2025 Council papers also have more detailed information on these points: [\(LINK ADDED POST MEETING\)](#)

What does the current navigation safety bylaw address?

The navigational bylaw mostly covers boating safety for recreational boating, with some specific sections on Otago Harbour and Lake Dunstan. It is aligned with the national boating safety rules and safety campaigns.

The current bylaw addresses a wide range of matters to achieve navigation safety on the region's lakes and rivers. Each of these matters is supported by provisions in the bylaw that could be enforced by the Harbourmaster.

The current bylaw has been in place since September 2020. A full copy of the current bylaw can be found on Council's website here: <https://www.orc.govt.nz/your-council/plans-and-strategies/harbourmaster-plans-and-policies/>

2. Council's Proposal

Council has reviewed the existing bylaw and proposed amendments to it. The draft bylaw includes:

1. provisions that are proposed to be carried forward into the draft bylaw without any amendment,
2. amendments proposed to provisions of the current bylaw, and
3. new provisions addressing matters that are not currently addressed in the bylaw.

This statement of proposal is prepared under sections 83 and 86 of the LGA and contains:

- 1. a copy of the draft Navigation Safety Bylaw 2026;
- 2. information about the proposed amendments, including Council’s determinations under section 155 of the LGA;
- 3. the reasons for the proposed amendments;
- 4. how the public and any interested person can have their say on the draft bylaw, and
- 5. the timetable for consultation.

3. Proposed draft Bylaw

Council is proposing the following amendments as part of the draft bylaw and these include:

Description of the changes or additions	Reasons for the change
A requirement for commercial vessels operating within Otago Harbour to have AIS.	This technology can assist vessels safely navigating around each other and can improve vessel management. Marlborough District Council recently introduced this requirement. 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.
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.	This adjustment allows for better management of the harbour. The current approach results in a lack of appropriate anchoring locations for visiting vessels, and illegal anchoring for longer periods of time
Provide an online incident report option via the Harbourmaster website page.	Aligns the reporting requirements in the Bylaw to the process and systems already in place.

The above is a summary of the changes and it is recommended that you read the bylaw in full. Other small changes have been made for clarity and readability. All of the proposed amendments are identified in the draft bylaw (as attached) by way of tracked changed text. Carried over text or images are shown in the draft bylaw as unaltered text (i.e. no tracked changes).

A copy of the proposed Bylaw can be found on Council’s website: (ADD LINK AFTER COUNCIL MEETING)

4. Is a Bylaw Appropriate?

Under Section 155 of the LGA 2002, local authorities are required to determine whether a bylaw is the most appropriate way of addressing a perceived problem, whether the bylaw is in the most appropriate form, and whether it gives rise to any implications under the New Zealand Bill of Rights Act 1990.

Along with other regional councils and port companies, ORC is party to a Memorandum of Understanding with Maritime New Zealand in which all parties agree to adopt and implement the *New Zealand Port & Harbour Marine Safety Code*. It is an expectation of the code that Councils will use their statutory powers to manage and maintain their harbours so that they are fit for the intended uses. This includes putting in place appropriate bylaws to manage maritime safety risks.

ORC considers that a bylaw is the most appropriate way of ensuring navigation safety in the waters of the Otago Region, that the proposed bylaw is in the most appropriate form, and that it does not give rise to any implications under the New Zealand Bill of Rights Act 1990.¹ Council has made these determinations in relation to the draft bylaw, discussed below.

Most appropriate way of addressing the perceived problem

Under the LGA, Council must demonstrate that a bylaw is the most appropriate way to address a perceived problem. The Council is responsible for promoting navigation and maritime safety.

A problem may exist if the Council does not have clear regulations or statements around the particular activities that impact navigation and maritime safety, and uses of particular areas become incompatible with one another and cause danger to water users. The Council considered whether amending the Bylaw was the most appropriate way of addressing the perceived problem at its meeting on 26 November 2025.

In the context of navigation safety on Otago's waterways, several issues have been identified that support the need for a regional bylaw. These include:

- Safety – While national and regional education initiatives aim to reduce risks such as drowning and injury, education alone is not sufficient to ensure safe and enjoyable use of waterways for all users. As part of undertaking its functions under the MTA 1994 Council is empowered to have bylaws and for these to address matters such as navigational safety.
- Conflict of users – Relying solely on national maritime rules would limit the ability to manage local conditions, such as reserving areas for specific activities (e.g. swimming or rowing), setting regional standards for moorings, or accommodating jet-boating on certain rivers and safe entry into the port.

¹ As required under s155 of the LGA

- Community input – Previous consultation has shown that communities value having a say in how maritime safety is managed. The bylaw process provides a formal mechanism for this input, reinforcing local ownership and relevance. This is an approach mirrored throughout New Zealand with other regional bylaws. This leads to a public expectation that there will be a bylaw and that this will provide for safe places to swim or use non-powered craft, and a way to modify unsafe behaviour.

Most appropriate form of bylaw to address the perceived problem

Different forms of the bylaw could include a standalone document, amendment to another existing document, or consolidation with other bylaws. A standalone document is the most appropriate form of bylaw because it would provide an accessible single document for all relevant regulatory matters, is concise, and there are no other appropriate documents or bylaws that could reasonably be applied to achieve ORCs navigation safety roles and responsibilities.

ORC has always used a standalone navigation safety bylaw. This form of bylaw has been generally considered fit for purpose. The draft bylaw takes a very similar format to other navigation safety bylaws including QLDC, Environment Canterbury and Environment Southland so achieves a degree of consistency.

Does the draft Bylaw give rise to implications under the NZBORA?

The current Bylaw is not inconsistent with the Act and does not give rise to any implications under this Act. The current Bylaw contributes to the safety of navigation and does not place any limitations on the rights and freedoms affirmed in the Act. The proposed Bylaw, which is based on the existing one does not give rise to any implications under this Act.

The Council will give further consideration to this matter following receipt and consideration of submissions, prior to making any amendments to the Bylaw.

5. Have your say

Council welcomes your input into the development of the draft 2026 bylaw, and we invite any member of the public or organisation to make a submission. You are welcome to raise any other matters relating to navigation safety you think should be considered.

Timetable for consultation

Date to be added post Council meeting - Public notice of draft bylaw – submissions open

Date to be added post Council meeting - Submissions close

Date to be added post Council meeting - Council Hearing (if sufficient interest)

Once the bylaw is approved by Council it will be published on the ORC website and further public notices published advising of its commencement date.

How to make a submission

Any person or organisation can make a submission on the draft 2026 bylaw. Submissions can be made via email or by post. You can also use Council's have your say page to submit, this will be available on the council's website during the consultation period. A hearing on submissions may occur if there is sufficient interest. If you would like the opportunity to speak to your written submission, please note this in your submission.

The full draft Bylaw and the existing Bylaw document is available on our website or can be sent to you if needed **(LINK ADDED POST COUNCIL MEETING)**

All submissions should state:

1. the submitter's name,
2. details of any organisation the submitter is representing (if applicable),
3. the submitter's contact details, and
4. whether or not the submitter would like to speak at a hearing on the draft bylaw.

Submissions are considered public information under the Local Government Official Information and Meetings Act 1987, and submissions will be made publicly available including by being published on our website following the consultation period. Your personal contact details will not be published.

Either post submissions to:

70 Stafford Street
Otago Regional Council
Private Bag 1954
Dunedin 9054

Or email submissions to: harbourmaster@orc.govt.nz

Or submit through the Have Your Say portal online

Submissions must be received by **20.00 on 12th February 2026.**

Proposed Otago Navigational Safety Bylaw REVIEW – Nov-Jan 2025/26

Communications and Marketing Plan

Our proposed communications approach focuses on seeking a range of feedback on the bylaw review, and communicating any changes once completed. The audience is recreational and commercial boat users around the region, in particular who use the Otago harbour. However, also the public and recreational water users with an interest in the proposed rules and safety measures.

Key messages/main proposed changes

- **New AIS requirement**

A key change proposed is a new mandatory automatic identification system (AIS) for commercial vessels and those over 15 metres is proposed. This technology, able to be plotted on a geo-tracking system, will help vessels safely navigate around each other without mishap. This is proposed to apply to recreational and commercial vessels 15 metres long or over, and commercial boats carrying 12 or more passengers both day and at night. A lot of fishing boats already have these. The purpose of these tracking devices is only aimed at the need for navigational safety and vessel management. The information will not be used for any other purpose. It is planned to provide a better navigational traffic picture to ensure safer outcomes for passenger-carrying recreational and **commercial** boaties and their passengers. An AIS system could cost up to \$2500.

- **Changes to anchoring rules**

A proposal to enact a 60-day period whereby boat users and owners cannot anchor in Otago harbour after they have utilised a 14-day allowance to anchor in one place. This is to prevent continuous shifting of vessels to different locations around Otago Harbour to get around the 14-day limit.

- **Online reporting**

Provide an online incident report process/option.

Key publicity channels

- ORC Web page
- Your Say survey online (no specific questions/asking for general feedback on draft)
- External advertising to promote this review includes:
 - social media
 - newspaper and online
 - Community newsletter/paper advertising across region
- Stakeholder communications eg local authorities

Key dates

What gets done	date
Draft bylaw (review) goes to council and to comms for uploading. Comms: Media release outlining changes	26 November council meeting
Engagement on bylaw draft with Maritime NZ and National Harbourmasters' bylaw teams – feedback received.	26 Nov-Dec 20
Survey, web copy, social posts, advertising notice, media release, created	December 12 2025
Engagement with public and survey begins – 4 weeks.	January 12 2026

Engagement closes and survey feedback report sent to harbourmaster.	February 12 2026
Public hearing date	March 2026
Notification of new bylaw and final decision (media release, social post and new bylaw document created)	April 2026

Background

The current navigational bylaw first came into force on 3 April 2019 and was amended in September 2020 to transfer maritime responsibilities for Lake Dunstan from Central Otago District Council to the Council. Responsibility for navigation on Lakes Whakatipu, Wānaka, Hawea and surrounds, lies with the Queenstown Lakes District Council (QLDC).

Otago's bylaw needs to be reviewed every five years.

The legislative background is that Council has a responsibility to manage navigation safety under the Maritime Transport Act 1994 (MTA). This Act empowers regional councils to make navigation safety bylaws to ensure maritime safety. The current Bylaw assists with the regulation of ports, harbours, waters and maritime-related activities in the Otago region. This helps ensure public safety on our waterways and is designed to lead to better safe boating practices. The Council has limited powers to manage these navigation safety issues without a bylaw. The Resource Management Act 1991 does not include provisions that address maritime safety or navigation as these are more appropriately addressed under the Maritime Transport Act 1994.

The current (2020) Bylaw sets rules and regulations governing:

- notification of maritime accidents,
- incidents and mishaps,
- who can be in charge of a vessel,
- carrying personal flotation devices,
- Navigating rivers, fishing, swimming or diving around landing places;
- Obstructions that may endanger maritime safety identification of vessels,
- anchoring and mooring,
- Speed Limits,
- Reserved Areas and Access Lane,
- Moorings,
- Communication requirements for vessels in the Otago Harbour Shipping Channel ,
- movements around ships,
- Fishing in Otago Harbour Shipping Channel, Lake Dunstan Reserved Areas,
- Lake Dunstan Area Speed Limits, offences and penalties

ends

OTAGO REGIONAL COUNCIL NAVIGATION SAFETY BYLAW 20265



That pursuant to section 33M of the Maritime Transport Act 1994 and the Local Government Act 2002, the Otago Regional Council resolves that the Navigation Safety Bylaw 202~~60~~ adopted on ~~22 July 2020~~, is hereby confirmed, and shall come into force ~~on 1 September 2020~~.

The common seal of the Otago Regional Council was hereunto affixed on ~~22nd July 2020~~ in the presence of:

Councillor

Councillor

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Part 1. Preliminary Provisions

1. Title and commencement

This Bylaw is the Otago Regional Council Navigation Safety Bylaw 202~~60~~⁶⁹.

This Bylaw comes into force on ~~01 September 2020~~.

2. Application

- 1) This Bylaw applies to all waters in the Otago Region including the territorial sea and all inland waters apart from:
 - (a) The navigable waters in the Queenstown Lakes District Council area, which are administered by that council as shown in **Error! Reference source not found.**

3. Interpretation

- 1) In this Bylaw, unless the context otherwise requires:

~~“Accident” means an occurrence that involves a vessel and in which~~

~~a) a person is seriously harmed as a result of—~~

~~i. being on the vessel or~~

~~ii. direct contact with any part of the vessel, including any part that has become detached from the vessel, or~~

~~iii. direct exposure to the was of the vessel or interaction (other than direct contact) between two vessels; or~~

~~iv. being involved in the salvage of any vessel, except where the injuries are self-inflicted or inflicted by other persons, or when injuries are to stowaways hiding outside areas normally available to passengers and crew; or~~

~~b) the vessel sustains damage or structural failure that:—~~

~~i. adversely affects the structural strength, performance, or seaworthiness of the vessel or~~

~~ii. would normally require major repair or replacement of the affected component; or~~

~~iii. poses a threat to the safety of people on board the vessel or~~

~~c) there is a complete or partial failure of machinery or equipment that affects the seaworthiness of the vessel;~~

~~d) there is a loss of, or damage to, or movement of, or change in the state of the cargo if the vessel which poses a risk to the vessel or other vessels or~~

~~e) there is a significant loss of, or significant damage to, property (not being the cargo carried by the vessel) or the property of any person (whether or not on board the vessel), whether or not the loss or damage arises from an interaction between two vessels or~~

~~f) there is a loss or escape of any substance or thing that~~

~~i. may result or has resulted in serious harm to any person or~~

~~ii. may pose a risk, or has resulted in damage to the vessel or other vessels or~~

~~iii. may pose a risk, or has resulted in any damage to any property (whether or not on board the vessel); or~~

~~g) a person is lost overboard (whether or not subsequently found), or is missing or~~

~~h) the vessel is foundering, capsizing or being abandoned, stranded or been in a collision, or has a minor fire on board~~

“Act” means the Maritime Transport Act 1994.

~~“Access Lane” means an area declared as an access lane under clause 19.~~

~~“Anchoring” means the temporary securing of a vessel to the bed of the waterway by means of an anchor, cable or other device, that is normally retrieved from the water and stored on the vessel on departure.~~

~~“Beacon” means an aid to navigation identified with a beacon symbol as shown on Land Information New Zealand Chart 6612 Otago Harbour. Beacon numbers are as shown on Chart 6612.~~

“Council” means the Otago Regional Council.

“Commercial Port Area” means areas defined as a Coastal Development Area or a Coastal Harbourside Area in the Regional Coastal Plan for the Otago and Oamaru Harbours as shown in the maps in **Error! Reference source not found.** and G.

“Competent Person” when used in relation to the inspection and/or maintenance of moorings means a person or organisation who has demonstrated to the satisfaction of the Harbourmaster that they are suitably experienced and/or qualified to undertake inspections and/or maintenance of moorings.

~~“Enforcement Officer” means a person appointed by Council under section 33G of the Act.~~

~~“Flag A” means flag A of the International Code of Signals (the divers flag) being a swallow tailed flag, or a rigid equivalent, coloured in white and blue with white to the mast, of not less than 600mm by 600mm.~~

~~“Flag B” means the flag B of the International Code of Signals being a swallow tailed flag, or a rigid equivalent, coloured in red of not less than 600mm by 600mm.~~

“Dunedin Wharves” means the Commercial Port Area of Otago Harbour at Dunedin located west of beacon 67.

“Halfway Islands Safety Zone” means the area identified in Appendix F.

“Harbour Area” means Otago Harbour or Oamaru Harbour.

“Harbour Control” means the Otago Harbour vessel traffic control centre operated by Port Otago Limited.

Explanatory note: Harbour Control is staffed at all times and may be contacted on VHF Channel 14. Alternative contact information for Harbour Control; Telephone: 472 9882; Email: harbourcontrol@portotago.co.nz.

“Harbourmaster” has the same meaning as in section 2 of the Act.

~~“Incident” means any occurrence, other than an accident, that is associated with the operation of a vessel and affects or could affect the safety of operation.~~

“Lake Waihola” means the lake area shown in Appendix H.

“Landing Place” means a wharf, jetty, dock, quay, landing, pile mooring, pier, pontoon, boat ramp, slipway or other facility, where vessels can be or may be moored, launched or retrieved, but does not include a mooring.

“Large Vessel” means any vessel 40 metres or greater in Length Overall, or 500 gross tonnage or greater. If a tug and tow or composite vessel, gross tonnage shall be the sum of gross tonnage for all of the connected vessels.

~~“Length Overall” has the same meaning as ‘length overall’ as defined in Maritime Rule Part 40C. If a tug and tow, Length Overall shall be the combination of the tug and object(s) towed but not the length of the towing medium.~~

Explanatory note: Maritime Rule Part 40C defines length overall as “the length of the ship measured from the foreside of the head of the stem to the aftermost part of the transom or stern of the ship. Fittings (such as beltings, bowsprits, platforms, gantries, trim tabs, jet and outboard drive units) projecting beyond these terminal points must not be included in the length overall. Structures (such as bulbous bows, deckhouses, free flooding bait tanks and buoyancy tubing) projecting beyond these terminal points must be included in the length overall...”.

Explanatory note: The Advisory Circular to Maritime Rule Part 40A has further guidance and interpretation of this definition.

“Local Notice to Mariners” means a notice related to maritime safety in Otago which is available to the public from the Council website.

~~“Marine Mammal” has the same meaning as in Section 2 of the Marine Mammal Protection Act.~~

~~“Manoeuvre” means actions that change the direction of a vessel.~~

~~“Master” means any person (except a pilot) having command or charge of any ship.~~

“Medium Vessel” means any vessel more than 15 metres but less than 40 metres in Length Overall and under 500 gross tonnage.

~~“Mishap” means an event that—~~

- ~~(a) causes any person to be harmed; or~~
- ~~(b) in different circumstances, might have caused any person to be harmed.~~

~~“Mooring” means any weight or article placed in or on the foreshore or seabed or the bed of a water body for the purpose of securing a vessel, raft, aircraft, or floating structure, and includes any wire, rope, buoy, or other device attached or connected to the weight, but does not include an anchor that is normally removed with the vessel, raft, aircraft, or floating structure when it leaves the site or anchorage.~~

“Mooring Area” means an area, where vessel moorings may be placed, identified by the Council as a mooring area in the Regional Coastal Plan.

“Moving Prohibited Zone (MPZ)” means the space of water in the Otago Harbour Shipping Channel extending:

- a) For a Large Vessel, 100 metres astern and 100 metres to each side of the vessel, and continued at such width to 1,000 metres ahead when that vessel is underway.
- b) For a tug in attendance of a large vessel, 100 metres all around the tug, in addition to the MPZ around the large vessel.

“Navigable” means able to be navigated by a vessel on, through, over or under the water.

“Navigational Channel” means the Otago Harbour Shipping Channel, or the principal access to any other harbour area, or the principal navigational channel of an inland water.

“Oamaru Harbour” means the Commercial Port Area located at Oamaru as shown in Appendix G.

“Otago Harbour” means the area comprising all waters enclosed by a line from Trig at Heyward Point then bearing 20 degrees for three nautical miles then bearing 126 degrees for 1.75 nautical miles then bearing 200 degrees for 3 nautical miles to Howletts Point, as published in the New Zealand Gazette Vol II July 1930 p.2233 and p.2234.

“Otago Harbour Shipping Channel (OHSC)” means the marked channel extending through Otago Harbour from the Fairway Beacon at the Channel Entrance through the gap between the Halfway Islands (Goat Island and Quarantine Island) to a line extending due south of Beacon 67 at the Dunedin Wharves as shown in Appendix C.

~~“Otago Region” means the area to which this Bylaw applies as listed in clause 2 of this Bylaw and shown in Part 88 (the map).~~

“Owner”:

- (a) when used in relation to any vessel, has the same meaning as in the Act
- (b) when used in relation to any landing place, means the person holding a coastal permit under the Resource Management Act 1991 for the landing place and shall include a lessee of the landing place
- (c) when used in relation to Port Areas of Otago Harbour means Port Otago Limited
- (d) when used in relation to Commercial Port Areas of Oamaru Harbour means the Waitaki District Council, or a port company established by the Waitaki District Council.

“Parasailing” “Parakiting” or “Paragliding” means any flying or gliding by use of a parachute or kite when being towed by a vessel

~~“Personal Flotation Device” means any serviceable buoyancy aid that is designed to be worn on the body and that is certified by a recognised authority as meeting~~

- ~~(a) type 401, 402, 403, 404, 405, or 408 in NZ Standard 5823:1989 or NZ Standard 5823:2001 or type 401, 402, 403, 404, 405 or 406 in NZ Standard 5823:2005; or~~
- ~~(b) a national or international standard that the Director is satisfied substantially complies with types 401, 402, 403, 404, 405, or 408 of the NZ Standard 5823:1989 or NZ Standard 5823:2001 or type 401, 402, 403, 404, 405 or 406 in NZ Standard 5823:2005;~~

~~“Personal Water Craft” means a power-driven vessel that—~~

- ~~(a) has a fully enclosed hull; and~~
- ~~(b) does not take on water if capsized; and~~
- ~~(c) is designed to be operated by a person standing, sitting astride, or kneeling on it, but not seated within it~~

~~“Pilot” means any person, not being the master or a member of the crew of the ship, who has the conduct of the ship.~~

~~“Pleasure Craft” means~~

- ~~(a) a vessel that is not offered or used for hire or reward, and is used exclusively for—~~
 - ~~(i) the owner’s pleasure or as the owner’s residence; or~~
 - ~~(ii) recreational purposes by—~~
 - ~~(A) the members of a club that owns the vessel;~~

~~(B) the beneficiaries of a trust that owns the vessel;~~

~~(C) the members of an incorporated society that owns the vessel; but~~

~~(b) excludes a vessel that is —~~

~~(i) provided for transport, sport, or recreation by, or on behalf of, an institution, hotel, motel, place of entertainment, or other establishment or business;~~

~~(ii) used on a voyage for pleasure if the vessel is normally used, or intended to be normally used, as a fishing vessel or for the carriage of passengers or cargo for hire or reward;~~

~~(iii) operated or provided by —~~

~~(A) a club, incorporated society, or trust for non-recreational purposes; or~~

~~(B) a business~~

~~“Port Company” has the same meaning as “port company” in the Port Companies Act 1988.~~

~~“Power-driven vessel” means any vessel propelled by machinery.~~

~~“Regional Coastal Plan” means the Council’s Regional Plan: Coast for Otago.~~

“Reserved Area” means an area declared as being reserved for a specified maritime safety purpose under Maritime Rules Part 91 or clause **Error! Reference source not found.** of this Bylaw.

Explanatory note: For the avoidance of doubt the only reserved areas in the Otago Region having legal status are those authorised under this Bylaw. All reserved areas authorised by previous bylaws, rules, or regulations made under any act have been revoked by this bylaw (or a previous bylaw) and have no effect or legal status.

~~“Restricted Visibility” means any condition in which visibility is restricted by fog, mist, falling snow, heavy rainstorms, sandstorms, or other similar causes.~~

~~“River” includes a stream and any natural, modified or artificial watercourse; but does not include any part of a river within the ebb and flow of the tide at ordinary spring tides:~~

“Sailboard” means any type of board including a windsurfer or kiteboard that is propelled by any type of sail and intended to be navigated by a person ~~standing upright~~ on the board.

~~“Ship” has the same meaning as Vessel.~~

“Shore” when referring to distance from shore, means distance from the water’s edge.

“Speed” means

(a) On the sea or lakes the speed through the water; or

(b) On rivers and estuaries, the speed through the water if travelling with the current, or speed over the ground if travelling against the current.

“Small Vessel” means any vessel 15 metres or less in Length Overall.

“Special Speed Zone (SSZ)” means an area of water where the speed limit has been set under clause **Error! Reference source not found.** or clause 32 of this Bylaw.

Explanatory note: Under Maritime Rule Part 91 speed limits are generally 5 knots within 200m of shore or a structure, and within 50m of a person in the water.

“Specified MPZ” means a Moving Prohibited Zone specified for any vessel by the Harbourmaster in accordance with clause 28(4) of this bylaw.

“Support Vessel” means any vessel used for coaching, marshalling and rescue attendance for training, regattas and competitions.

Explanatory note: For the sake of clarity, this definition relates to recreational and sporting activities and does not include port company vessels engaged in normal port operations.

“Surfboard” means any type of board that is used for surf riding.

~~“Territorial Sea” means the territorial sea of New Zealand which comprises those areas of the sea having, as their inner limits, the baseline described in sections 5 and 6 and 6A of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977 and, as their outer limits, a line measured seaward from that baseline, every point of which line is distant 12 nautical miles from the nearest point of the baseline.~~

~~“Underway” means a vessel not at anchor, or made fast to the shore, or aground.~~

“Unseaworthy” means, in the opinion of the Harbourmaster not being in a fit condition or readiness to navigate safely on the water.

“Vessel” means every description of ship, boat or craft used in navigation, whether or not is has any means of propulsion; and includes—

- a) a barge, lighter, or other like vessel:
- b) a hovercraft or other thing deriving full or partial support in the atmosphere from the reaction of air against the surface of the water over which it operates:
- c) a submarine or other submersible:
- d) a seaplane while it is on the surface of the water.
- e) and shall include but is not limited to, a sledge, surfboard, sailboard, stand-up paddle board, raft, personal water craft or any other object intended or used to carry or support a person in or on the water.

~~“VHF” means maritime very high frequency two-way radio on channels in the frequency range between 30 MHz and 300 MHz.~~

“Waters” means

- (a) all the sea area including in estuaries, inlets or harbours and coastal waters, the outer boundary being the seaward limit of the territorial sea and the inner boundary being the water’s edge; and
- (b) all inland ~~navigable~~ waters of the Region.

Explanatory note: The seaward limit of the territorial sea is approximately 12 nautical miles from shore, the exact limits may be found on the Land Information New Zealand (LINZ) website. Inland waters includes all rivers lakes and ponds regardless of whether or not they are accessible to the general public.

“Water Skiing” means- being towed barefoot or on an object of any kind other than a vessel.

NOTE

To avoid doubt, compliance with this Bylaw does not remove the need to comply with all other applicable Acts, regulations, bylaws, Maritime Rules, rules in any District or Regional Plan and rules of law.

Unless the context requires another meaning, a term or expression that is defined in the Act or a Maritime Rule and used in this Bylaw, but not defined, has the meaning given by the Act or Maritime Rule.

Any explanatory notes are for information purposes only and do not form part of this Bylaw, and may be made, amended and revoked without formality.

4. Revocation

- (1) This Bylaw revokes all existing speed uplifts or increases and restricted areas in the Otago Region previously authorised by the Otago Regional Council or its predecessors.

Part 2. General Navigation Safety Requirements

5. Notification of maritime accidents, incidents and mishaps

- 1) The person owning or having responsibility for, or in charge of, or having conduct of any vessel, Port Company property, other maritime facility, structure or object that:
 - a) has been involved in any accident, incident, or mishap involving a vessel; or
 - b) in any manner gives rise to a navigational hazard;

Shall, as well as complying with any accident reporting requirements of Maritime Rules and the Act, as soon as practicable, ~~immediately~~ report the occurrence to the Harbourmaster.

- ~~2) For accidents incidents or mishaps in Otago Harbour the Harbourmaster shall be notified by a VHF radio call to Harbour Control immediately, where VHF communication is available after the incident.~~

- ~~3)2)~~ For other accidents incidents or mishaps the Harbourmaster shall be contacted as soon as practicable within 24 hours of the incident by phone call or by email, or reported through the Hazman link - <https://go.hazman.org/incident/kssFWb8RO90pwZkFhnrRsuULW4uF1D3KNljMMtrQ->

Explanatory note: Harbourmaster email address is harbourmaster@orc.govt.nz

- ~~4)3)~~ Persons reporting accidents under the Maritime Rules and the Maritime Transport Act should provide to the Harbourmaster a copy of the appropriate Maritime New Zealand report form within 24 hours of submission to Maritime New Zealand.
<https://services.maritimenz.govt.nz/incident/>

- ~~5) The Harbourmaster may contact the owner of any vessel or property involved in any such accident, incident or mishap.~~

~~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.~~

~~7. Carriage of personal flotation devices~~

- ~~1) A person in charge of a pleasure craft must not operate it unless there are sufficient personal flotation devices for each person on board at all times that the vessel is underway.~~
- ~~2) Personal flotation devices must be:~~
 - ~~a) in a readily accessible location on board the vessel;~~
 - ~~b) of an appropriate size for each person on board;~~
 - ~~c) an appropriate type for the activity being undertaken; and~~
 - ~~d) in good operative condition.~~

8. Exemptions to the compulsory carriage of personal flotation devices

1) ~~Clause 7 does not apply to:~~

- ~~(d) any person on a surfboard or stand up paddle board when the board is attached to the person by means of a tether;~~
- ~~(a) any sailboard activity, if a wetsuit is worn at all times;~~
- ~~(b) a diver on a vessel of 6 metres length or less that is used for recreational diving within five nautical miles of shore, when a full body wetsuit is worn at all times;~~
- ~~(c) a person training for or participating in a sporting event, if the training or the event is supervised in accordance with a safety system approved by the Harbourmaster.~~

Explanatory note: The Harbourmaster may approve a sporting organisation if that organisation has in place a safety system that the Harbourmaster is satisfied provides an equivalent level of safety to the carriage or wearing of personal flotation devices.

- ~~(d) a sporting event, training activity, ceremonial or other authorised customary event if:~~
 - ~~(i) a support vessel that is capable of providing adequate assistance in the event of an emergency remains in the immediate vicinity of the vessel and the vessel and support vessel in combination carry personal flotation devices or buoyancy aids of an appropriate type and size for every person on board in the event of any danger to the health and safety of occupants of the vessel; or~~
 - ~~(ii) the Harbourmaster has approved a prior written exemption.~~

Explanatory note: The Harbourmaster may approve an exemption for a specified period if satisfied that adequate safety precautions are made for rescuing any person participating in the event or activity.

9.6. Wearing of personal flotation devices on vessels

Every person on board vessels 6 metres or less length overall must wear a properly secured personal flotation device of an appropriate size for that person at all times.

Subclause 9(1) does not apply if the person in charge of the vessel, after assessing all circumstances and determining there would be no reduction in safety, expressly authorises any person on board to not wear a personal flotation device.

- 1) Subclause 9(1) does not apply to a person who is below deck of the vessel unless expressly instructed to wear a personal flotation device by the person in charge of the vessel.
- 2) Subclause 9(1) does not apply to a person training or participating in or for any trick water skiing/wake boarding element of a sporting event 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.
- 3) All persons must wear a properly secured personal flotation device of an appropriate size for that person when:
 - (a) in circumstances where tides, river flows, visibility, rough seas, adverse weather, when crossing a bar, in emergencies, or other situations that may cause danger or a risk to the safety of persons on board, or;
 - (b) being towed by a vessel.

Explanatory note: circumstances and activities that could result in people inadvertently being in the water includes the activity being undertaken by a person, the type of vessel, the activity the vessel is engaged in, adverse weather or sea conditions, and other nearby vessel activity that could result in collision. A person must wear and secure a suitable personal flotation device whilst on a vessel if instructed to do so by the Harbourmaster.

10.7. Minimum age for operating power-driven vessels

- 1) No person under the age of 15 years shall be in charge of, or navigate, a power-driven vessel that is capable of a speed exceeding 10 knots unless he or she is under the direct supervision of a person over the age of 15 years who is in immediate reach of the controls.
- 2) The person in charge of a power-driven vessel that is capable of a speed exceeding 10 knots must not allow any person who is under the age of 15 years to navigate that vessel in contravention of subclause 10(**Error! Reference source not found.**
- 3) Subclause 10(**Error! Reference source not found.** does not apply to any person who has a written approval from the Harbourmaster. Written approvals may be given for training, competitions or other sporting events, and the Harbourmaster, when considering whether or not to grant such an approval, shall have regard to the competence of the person, the level of supervision, and awareness of other relevant navigation safety matters.

11.8. Navigation on rivers

- 1) A person in charge of a vessel on a river must:
 - a) Ensure that the vessel keeps to the starboard side of the navigable channel where safe and practicable; and

- b) When going upstream, give way to any vessel coming downstream; and
- c) Not navigate the vessel unless it is safe to do so and weather conditions are considered to permit safe navigation of the vessel; and
- d) Not exceed a speed of 5 knots on any river unless in an area designated as a SSZ, or a Reserved Area or an Access Lane.

*Explanatory note for subclause **Error! Reference source not found.****Error! Reference source not found.**: For example, not navigate immediately downstream of dams that are spilling.*

12.9. Fishing or swimming or diving around landing places

- 1) No person shall fish, jump, dive or swim:
 - a) From, or within 50 metres from, a landing place in a manner that interferes with the berthing or departure of any vessel, or
 - b) In Commercial Port Areas without the permission of the owner and shall comply with all conditions of that permission, or
- 2) Subclause 12(1) does not apply to activities conducted by, on behalf of, or approved by a marine facility owner within the relevant Commercial Port Area.

13.10. Obstructions that may constitute or become a danger to maritime safety

- 1) No person may place any obstruction, including any fishing apparatus, in any waters that is likely to—
 - (a) restrict navigation; or
 - (b) cause injury or death to any person; or
 - (c) cause damage to any vessel or any property.

14.11. Vessels to be seaworthy

- 1) No person shall navigate any vessel in circumstances where the vessel is unseaworthy, except to remove the vessel from the water or to move it to a safe area.
- 2) No person shall operate any vessel in circumstances where persons on board have been advised by the Harbourmaster or an enforcement officer that the vessel is unseaworthy, except to comply with the directions of the Harbourmaster or enforcement officer to proceed to a safe area.

15.12. Vessels to be identified

- 1) No person shall navigate a vessel unless it displays an identifying name or number displayed above the waterline on each side of the vessel.
- 2) The identifying name or number shall;
 - (a) consist of letters of the Roman alphabet or numbers that are not the vessel's brand, make or model; and
 - (b) be unique to that vessel; and

- (c) unless complying with the requirements of an organisation listed in subclause 15(32)(a), be a minimum height of 90 millimetres and be readable to the naked eye by day from a distance of at least 50 metres.
- 3) The identifying name or number referred to in subclause 15(**Error! Reference source not found.** shall be:
 - a) a registration or identification approved by and conforming to the requirements of:
 - (i) Maritime New Zealand (MNZ) or an equivalent foreign authority (e.g. a MNZ number or vessel's registered name); or
 - (ii) A sporting body as may be approved from time to time by the Harbourmaster and listed on the Council's website; or
 - b) the vessel's radio call sign; or
 - d) for any trailer borne vessel without a registration or identification listed in subclauses (**Error! Reference source not found.** or (**Error! Reference source not found.**, the registration number of its trailer; or a unique identification name or number or,
 - c) for non-trailer borne vessels, an identifying name or number otherwise complying with the requirements of subclause 15(**Error! Reference source not found.**, or
 - d) for sail vessels the identifying name or number may be the vessel's sail number.
- 4 Other non powered vessels under 6m length shall be marked with the current owner's name and contact details somewhere on the vessel.
- 4) Subject to subclause (4), subclauses (1), (2) and (3) do not apply to:
 - (a) non-powered vessels of six metres or less in length;
 - (b) paddle craft;
 - (c) vessels powered solely by oars;
 - (d) a vessel which is temporarily being operated on Otago waters and which displays markings which meet an identification requirement within the Navigation Safety Bylaws of the region in which the vessel normally operates.

Explanatory note: For the sake of clarity, "trailer borne vessel" refers to a vessel transported on a road-going trailer that is, or is required to be, registered. It does not include vessels stored on/launched from haul-out trailers – such vessels fall into the "non-trailer borne vessel" category.

16.13. Navigational aids

- 1) No person shall erect, maintain or display any sign, beacon, light, mark, buoy or other device that has the characteristics of a navigational aid and/or which may be used or mistaken as a navigational aid or warning, without the prior written approval from the Harbourmaster.
- ~~2) No person shall tie a vessel to any beacon, navigation marker, navigation buoy, light or other navigation structure, without the prior written permission of:~~
 - ~~(a) The Harbourmaster if it is operated by the Council; or~~
 - ~~(b) The Director of Maritime New Zealand if it is operated by Maritime New Zealand.~~

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

For consultation

Part 3. Speed Limits, Reserved Areas and Access Lanes

17. General speed limits

- 1) ~~No person may, without reasonable excuse, propel or navigate a vessel (including a vessel towing a person or an object) at a speed exceeding 5 knots:~~
 - a) ~~within 50 metres of any other vessel, raft, or person in the water; or~~
 - b) ~~within 200 metres of the shore or of any structure; or~~
 - c) ~~within 200 metres of any vessel or raft that is flying Flag A of the International Code of Signals (divers flag).~~
- 2) ~~No person may propel or navigate a powered vessel at a speed exceeding 5 knots while any person has any portion of his or her body extending over the fore part, bow, or side of that vessel.~~
- 3) ~~No person may cause himself or herself to be towed by a vessel (whether or not on a water ski, aquaplane, or other similar object) at a speed exceeding 5 knots in any circumstances specified in subclause 17(1).~~
- 4) ~~Subclause 17(1) (a) shall not apply to:~~
 - a) ~~a vessel over 500 gross tonnage, if the vessel cannot be safely navigated in compliance with this subclause; or~~
 - b) ~~any vessels while participating in a yacht race or training administered by—~~
 - (i) ~~a club affiliated to Yachting New Zealand; or~~
 - (ii) ~~a non profit organisation involved in sail training or racing; or~~
 - c) ~~a craft training for or participating in competitive rowing or paddling; or~~
 - d) ~~a tug, pilot vessel, harbourmaster vessel, emergency response craft or police vessel, if the vessel's duties cannot be performed in compliance with this clause; or~~
 - e) ~~a vessel operating in accordance with a Special Speed Zone established under Clause 18 or clause 32 of this Bylaw.~~
- 5) ~~Subclause 17(1)(b) shall not apply to:~~
 - a) ~~a vessel operating in an access lane or a reserved area for the purpose for which the access lane or reserved area was declared, unless, in the case of a reserved area, a navigation bylaw provides otherwise; or~~
 - b) ~~a vessel operating in accordance with Special Speed Zone established under Clause 18 or clause 32 of this Bylaw, or~~
 - c) ~~a vessel over 500 gross tonnage, if the vessel cannot be safely navigated in compliance with this clause; or~~
 - d) ~~a craft training for or participating in competitive rowing or paddling; or~~
 - e) ~~a tug, pilot vessel, harbourmaster vessel, emergency response craft or police vessel when the vessel's duties cannot be performed in compliance with this clause.~~

Exemption:

~~6)1)~~ Vessels shall be exempt from compliance with the general speed limit specified in Clause **Error! Reference source not found.** (**Error! Reference source not found.** provided that navigation is conducted in a safe manner and is authorised by

- a) an approval to use SSZs pursuant to clause **Error! Reference source not found.** (**Error! Reference source not found.** or clause 32 of this Bylaw provided that the vessel speed does not exceed the specified maximum speed for the vessel concerned in that SSZ; or
- b) a Reserved Area or Access Lane pursuant to clause **Error! Reference source not found.** or Part 6 of this Bylaw; or

~~c) the Harbourmaster for specific vessels.~~

Requirement for safe and considerate navigation:

~~7)2)~~ No person is permitted by any provision of this Bylaw or any Maritime Rule to navigate a vessel in a manner that is likely to endanger any person or vessel.

Wake and Draw off:

~~8)~~ No person may operate a power-driven vessel at a speed or in a manner that any wake or draw-off endangers persons or property. ~~or property.~~ This clause does not apply to a ~~vessel~~ vessel over 500 gross tonnage, if the vessel cannot be safely navigated in compliance with this subclause

Speed over bars

The person in charge of a vessel may navigate a vessel at any speed required to enable the safe crossing of a river mouth bar.

18.14. Special Speed Zone (SSZ)

Each of the waters shown in **Error! Reference source not found.** appendix D is declared under this bylaw as a Special Speed Zone (SSZ).

- 1) 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 18(**Error! Reference source not found.** or subclause 18(**Error! Reference source not found.**

Ability to restrict or revoke approval to use SSZs

- 2) The Harbourmaster may at any time restrict or revoke an approval given under subclause (2) in relation to any person if that person is, in the opinion of the Harbourmaster:
 - a) Using the SSZs in an unsafe manner;
 - b) In breach of the Bylaw in a manner that justifies restriction or revocation of the person's approval to use the SSZs.

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.

Explanatory note: Changes to the extent and permitted use of any SSZ will be posted on the ORC website in advance of any change.

19.15. Reserved Areas and Access Lanes

- 1) Locations of Reserved Areas and Access Lanes are identified in Appendix D and H.
- 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.
- 5) No person may enter a reserved area for any other purpose than that specified by the Harbourmaster.
- 6) While a reserved area is in use for the purpose specified by the Harbourmaster, no person may obstruct that use, or be in the specified area for any other purpose without prior approval of the Harbourmaster.

20. ~~Water Skiing, Parasailing, Paragliding and Towing~~

~~1) Speed of Towed Object or Watercraft~~

~~(a) No person, (whether or not on a water ski, aquaplane, or similar object), shall cause or allow themselves to be towed by a vessel at a proper speed exceeding 5 knots in any circumstances specified in clause 17.1 (a) and (c). (Note that speed limits for water skiing may be uplifted in reserved areas).~~

~~2) Dropping of Skis or Other Objects~~

~~(a) No person in charge of a vessel shall permit the vessel to continue onwards, after any person being towed by that vessel has dropped, whether accidentally or otherwise, any water ski or similar object that may cause danger to any other person or vessel, without taking immediate action to recover that water ski or similar floating object, unless the person has taken measures to ensure that the dropped ski or similar object is clearly visible to other water users.~~

~~3) Lookouts Required on Vessels used for Water Skiing and Towing~~

~~(a) No person in charge of a vessel shall use it or allow it to be used to tow any person on a vessel, surfboard, windsurfer, sailboard, water ski or skis, toboggan, aquaplane, wakeboard or other object, at a speed exceeding 5 knots, unless there is on the towing vessel, in addition to the person in charge, at least one other person aged 10 years or over who is acting as a lookout for immediately notifying the person in charge of the towing vessel of any loss of control, letting go, or any other mishap that occurs to the person who is being towed.~~

~~(b) No person, whether on a vessel, water ski or skis or other objects or not, shall cause or allow themselves to be towed by any vessel, at a speed exceeding 5 knots, unless there is on the towing vessel, in addition to the person in charge, at least one other person~~

~~aged 10 years or over who is acting as a lookout for immediately notifying the person in charge of the towing vessel of any loss of control, letting go, or any other mishap that occurs to the person who is being towed.~~

~~4. No Water Skiing at Night~~

~~(a) No person may operate a vessel that is towing any person on a water ski or skis, an aquaplane, toboggan, surfboard, windsurfer, sailboard or similar object, or who is barefoot skiing, between sunset and sunrise.~~

~~(b) No person on a water ski or skis, and aquaplane, toboggan, surfboard, windsurfer, sailboard or similar object, or who is barefoot skiing, shall cause or allow themselves to be towed by any vessel between sunset and sunrise.~~

~~21. Divers to Display Flag Alpha (A)~~

- ~~1) The Master of every vessel from which underwater dive operations are in progress must ensure that Flag A of the International Code of Signals is displayed in such a manner that it can be clearly identified from another vessel at a distance in excess of 200 metres.~~
- ~~2) Every person diving from a vessel or independent of a vessel must ensure that Flag A is displayed in such a manner that it can be clearly identified from another vessel at a distance in excess of 200 metres.~~

22.16. Special events

- 1) A person that intends to conduct a sporting event, training activity, ceremonial or customary event or any other organised water activity on navigable water must obtain approval from the Harbourmaster if the activity is likely to affect normal operation of another vessel or any other user of the water, or:
 - a) requires temporary suspension of the relevant speed clause(s) and any other relevant clause of the Maritime Rules or this Bylaw;
 - b) requires an area to be temporarily reserved for a specific area for the purpose of the event; or
 - c) requires the temporary suspension of a reserved area or access lane; or
 - d) requires temporary installation of course markers or similar such structures in the water.
- 2) An application to temporarily reserve an area of navigable water may be approved or refused at the discretion of the Harbourmaster, upon such terms and conditions as the Harbourmaster thinks fit. Such conditions may include temporary suspension of use of defined waters by all other users, if reasonably required for maritime safety purposes in the opinion of the Harbourmaster.

Explanatory note: Temporary Reservations will be published by Local Notice to Mariners on the Council's website.

23.17. Conduct near marine mammals

- 1) In the vicinity of marine mammals, the person in charge of each vessel shall;

- a) travel no faster than idle or 'no wake' speed within 300m of any marine mammal
- b) approach whales and dolphins from behind and to the side
- c) not circle them, obstruct their path or cut through any group.
- d) keep at least 50m from whales (or 200m from any large whale mother and calf or calves).
- e) idle slowly away. Speeds may be gradually increased to out-distance dolphins and should not exceed 10 knots within 300m of any dolphin.

Explanatory note: the presence of marine mammals tends to attract vessels into a small area of water for viewing purposes. It is important for maritime safety that vessels operate in a consistent and predictable manner.

- 2) Masters of large vessels are not obliged to comply with Clause 23 (1) if necessary for navigation~~al~~ safety reasons.

Explanatory note: Masters of Large Vessels should slow down as much as conditions allow while keeping sufficient speed for control of the vessel to maintain navigational safety within the confines of the navigable waters.

Part 4. Anchoring and Mooring

24.18. Anchoring

No ~~small or medium~~ 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.

- 1) No vessel shall anchor in a manner that obstructs moorings or moored vessels.

No vessel shall remain anchored within the ~~Otago Harboursame or proximate location~~ for longer than 14 days in any six month period without the prior approval of the Harbourmaster.

- 2) 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.

Vessels are permitted to anchor in Oamaru Harbour in the area shown in Appendix G provided that clauses (**Error! Reference source not found.** to (**Error! Reference source not found.** above are complied with.

Large vessels must anchor within the designated anchorages as specified in appendix X.

25.19. Vessels to be adequately secured

- 1) The person in charge of a vessel must ensure that it is securely anchored or moored, and secured while left unattended.
- 2) In securing the vessel, the person in charge of the vessel must only use rope, chain or other means of anchoring or mooring a vessel that is fit for purpose.
- 3) No person shall secure a vessel to any post, wharf, ring, fender, buoy or any other structure not fit for that purpose.
- 4) No person shall leave any vessel or other property in a place where it may create a navigation hazard or nuisance where it may interfere with the normal use of the waters by other persons.

No person shall set a vessel adrift or interfere with ~~aher~~ moorings or fastening.

3)

26.20. Moorings

- 1) No person shall lay, or move, a mooring unless:
 - a) that person holds a coastal permit for that mooring from Council; or
 - b) the mooring is a permitted activity in the Regional Coastal Plan.
- 2) No person shall secure a vessel to a mooring that exceeds the length, displacement, or draught specified in the coastal permit or in licencing arrangements with the coastal permit owner.
- 3) If at any time in the opinion of the Harbourmaster any mooring is or may be in an insufficient state of repair the Harbourmaster may require the mooring to be:
 - (a) inspected by a competent person approved by the Harbourmaster; and
 - (b) repaired to a standard specified by the Harbourmaster.
 within a period specified by the Harbourmaster.

Part 5. Special Provisions on Activities in Otago Harbour**27.21. Communication requirements for vessels in the Otago Harbour Shipping Channel**

- 1) All vessels over 6m in length shall carry an operational marine VHF radio and maintain a radio watch on Channel 14 whilst navigating along the Otago Harbour Shipping Channel.
- 2) Between sunset and sunrise, or in conditions of restricted visibility, all vessels shall contact Harbour Control before entering or transiting along the Otago Harbour Shipping Channel.

The person in charge of all Medium Vessels and Large Vessels must contact Harbour Control before navigating along the Otago Harbour Shipping Channel.

3)

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

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 metres LOA;
- (d) Commercial vessels licenced 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 licenced as a commercial charter vessel to carry up to 12 passengers.

The owner or person in charge of every vessel required to transmit an AIS signal under this Bylaw must ensure that:

(a) The AIS transmits such information in accordance with the standards and requirements specified by the Harbourmaster and in accordance with the manufacturer's specifications; and

(b) The AIS operates continuously when the vessel is navigating within Otago Harbour.

28.22. Moving Prohibited Zone (MPZ)

- No person shall navigate a vessel so as to be within an MPZ without the approval of the Harbourmaster.
- 1) Subclause 28(**Error! Reference source not found.** shall not apply to tugs or pilot vessels while they are carrying out towage or pilotage duties in relation to a vessel for which a MPZ applies.

Explanatory note: The MPZ is defined to only apply to waters within the Otago Harbour Shipping Channel. Small ~~and Medium~~ Vessels may pass a Large Vessel transiting the Otago Harbour Shipping Channel provided that they pass outside the channel. Provided it is safe to do so, ~~Small and Medium vessels travelling inbound may need to cross to the port-hand side to bypass an MPZ outside of the marked channel, where the waters to starboard of the channel lie within 200m of shore.~~

- ~~Subclauses 28~~(**Error! Reference source not found.** and 28(2) shall not apply where the approval of the Harbourmaster has been obtained for a vessel to be within a MPZ or to pass another vessel in the Otago Harbour Shipping Channel.
- A Specified MPZ may be declared by the Harbourmaster by Local Notice to Mariners to apply to any vessel for such times and duration as the Harbourmaster considers necessary.

29. Vessel movements in proximity to ships

- 1) Vessels may come within 200 metres of a berthed tanker showing Flag B when necessary to navigate past provided they maintain the largest separation that can be safely achieved.

Explanatory note: There is insufficient room for vessels using the Otago Harbour Shipping Channel to maintain the minimum 200m separation required under Maritime Rules for tankers berthed at the Dunedin Oil Jetty or LPG terminal.

~~A master must not cause any vessel to manoeuvre within 200 metres of a berthed tanker flying Flag B unless required to by the operation of the tanker.~~

~~Explanatory note: refer to Interpretation section for definition of manoeuvre.~~

~~No vessel may berth or come alongside within 100 metres of a berthed tanker flying Flag B.~~

No vessel shall approach or manoeuvre within 25 metres of a berthed large vessel without the prior permission of the large vessel or the Harbourmaster.

Explanatory note: Being in the vicinity of a Large Vessel will be unsafe at times due to the lack of visibility of vessels in close and due to activities such as cargo loading, release of mooring lines, and operation of the ship's propulsion systems.

30.23. Fishing in Otago Harbour Shipping Channel

- 1) Drift fishing and trolling using handheld rods or lines, either held in hand or placed in rod holders is permitted in the Otago Harbour Shipping Channel except when an MPZ applies in accordance with clause **Error! Reference source not found..** Special restrictions apply in the vicinity of Halfway Islands in accordance with subclause 30(**Error! Reference source not found..**
- 2) The Halfway Islands Safety Zone is established as a Reserved Area for the area shown in **Error! Reference source not found..** The person in charge of any vessel that is fishing in the Halfway Islands Safety Zone must:
 - a) if intending to fish in the Halfway Islands Safety Zone, call Harbour Control on VHF Channel 14 prior to entry into the Zone, and
 - b) call Harbour Control on VHF Channel 14 upon exit from the Halfway Islands Safety Zone, or upon the cessation of fishing activity, and
 - c) maintain a radio watch on VHF Channel 14 while fishing in the Halfway Islands Safety Zone and immediately vacate the channel if:
 - (i) a large vessel approaches the Safety Zone; or
 - (ii) a long blast is given from a ship's whistle; or
 - (iii) the vessel indicates that it requires sea room by means of 5 short blasts on the ship's whistle, or a light signal of 5 rapid flashes, or call via VHF; or
 - (iv) if advised by Harbour Control; or
 - (v) if directed by the Harbourmaster.

24. Commercial Vessels Transiting the Victoria Channel

Non Piloted Medium sized commercial vessels are not to transit the Victoria Channel whilst a large vessel is in transit or about to transit the Victoria Channel inward or outward.

Part 6. Special Provisions for Lake Dunstan Area

Note:

The following access lanes are specified in accordance with Clause 19 for the purpose of landing or launching vessels and landing or launching persons towed by those vessels on water skis or other objects:

No areas currently identified.

The following reserved areas are specified under Clause 19. Notwithstanding the reservation of areas for a particular purpose or type of vessel, the safety of the vessel, toboggan, windsurfer, sailboard and its occupants, or any person being towed, when operating within or in the vicinity of any reserved area is the responsibility of the master of the vessel, toboggan, windsurfer or sailboard.

The following areas are set out on the map of Lake Dunstan in Appendix D

31. Lake Dunstan - Reserved Areas

- 1) All watersports prohibited except use by anglers or waterfowl hunters–

Bendigo Wildlife Area being the area shown as shaded on the map in Appendix D being the area north of a line extending across Lake Dunstan from Rocky Point and marked by black posts with white horizontal bands.
- 2) Areas reserved for swimming and within which no person shall navigate a powered vessel –

Weatherall Creek

Dairy Creek Swimming Area

Sander's Inlet

Bannockburn Inlet (Part)

Lowburn Inlet (Part)

Lowburn Raft

Pisa Moorings

Old Cromwell

Fernbrook area

Deadmans Point to first pier of Bridge (True Right side of lake)

The areas are marked by black posts with white horizontal bands and yellow buoys and are bound by lines extending from the shore as marked by the posts and buoys at the positions denoted on the map in Appendix D
- 3) Areas reserved for wildlife and within which no person shall navigate a powered vessel –

Pisa Moorings

The areas are marked by black posts with white horizontal bands and yellow buoys and are bound by lines extending from the shore as marked by the posts and buoys at the positions denoted on the map in Appendix D

32. Lake Dunstan Area – Special Speed Zones

- 1) For the following areas the speed limits specified in Clause 17.1(a) and Clause 20.1(a) shall not apply, and subject to Clause 31, the following proper speed limits shall apply –
 - Clutha Arm - From Deadmans Bridge to northern point of Pisa Moorings – 5 knots within 50 metres of any vessel, raft or person in the water other-wise no speed limit.
 - Dunstan Arm – 5 knots within 50 metres of any vessel, raft or person in the water other-wise no speed limit.
 -
 - Kawarau Arm – Roaring Meg 5 knots within 50m of any other vessel, raft or person in the water ~~other-wise~~otherwise no speed limit.
 - ~~Kawarau River – no speed limit upstream of footbridge at Goldfields Mining Centre for 4,100 metres.~~
 - - a) From the northern point of Pisa Moorings to the Bendigo Wildlife area 5 knots within 200 metres of shore.
 - b) That part of the Lowburn Inlet that does not comprise the area within which no person shall operate a powered vessel as set out in Clause 9.1 – 5 knots.
 - - c) Bendigo Wildlife Area – 5 knots within the reserve being the area shown as shaded on the map in Schedule 1 being the area north of a line extending across Lake Dunstan from Rocky Point and marked by black posts with white horizontal bands. Notwithstanding the stated speed limit of 5 knots in this area vessels may access the Clutha River via the main river channel at a speed greater than 5 knots subject only to any other provision of this bylaw stipulating a maximum speed.
 - d) McNulty Inlet – 5 knots.

~~The areas are marked with black posts with white horizontal bands.~~

These areas are set out on the map of Lake Dunstan in Appendix D

Part 7. Maritime Safety Administrative Matters

33. Written approvals

- 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.
- 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.

34. Offences and penalties

- 1) .

Offences

- 1) Every person commits an offence against this bylaw who contravenes or permits a contravention of this bylaw.

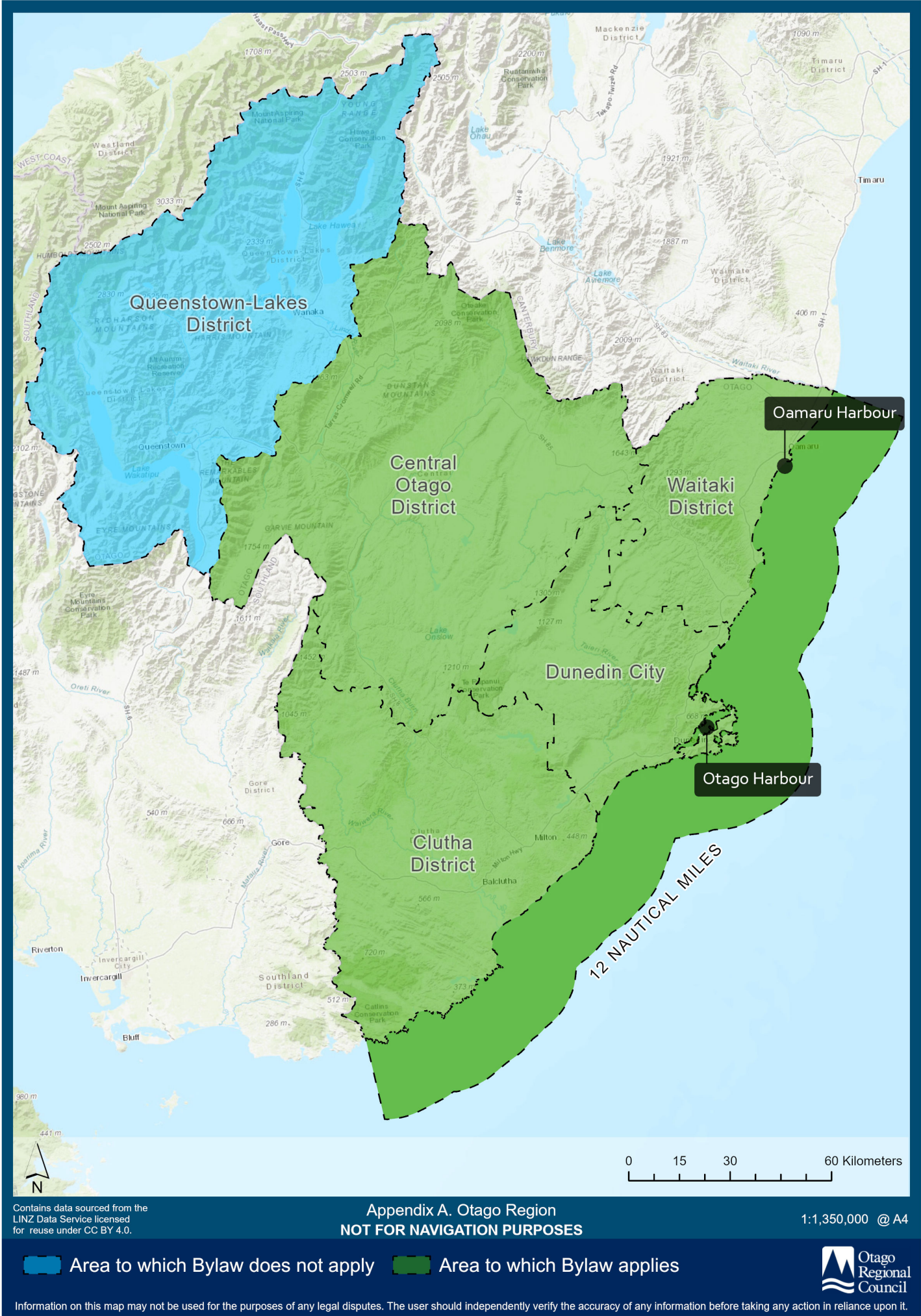
Penalties

- 2) Every person who:

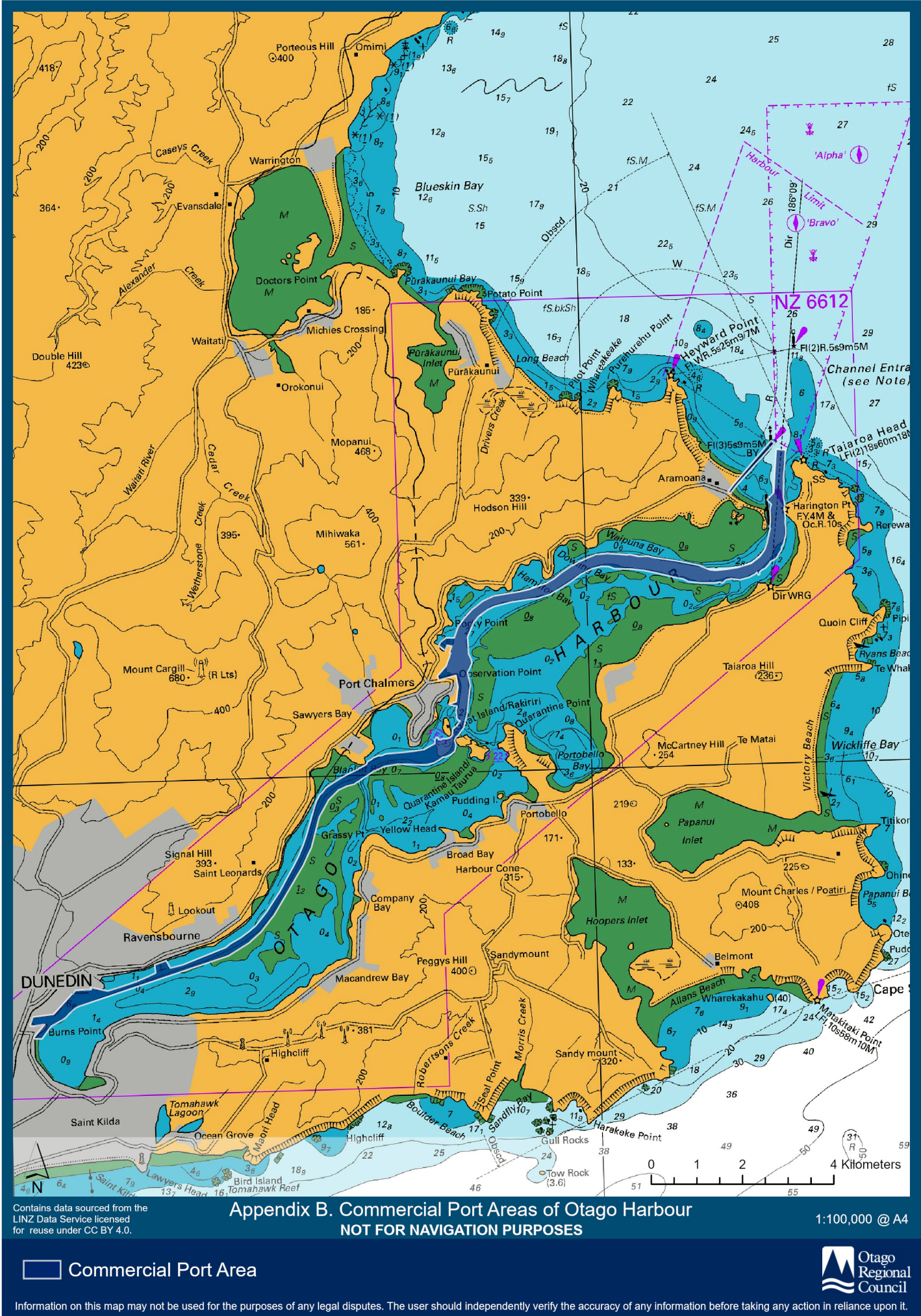
- (a) commits an offence against this bylaw will be liable under the Act;
- (b) commits an infringement offence, set out in any applicable regulations created under the Act is liable to an infringement fee prescribed in the regulations made under the Act.

Part 8. Appendices

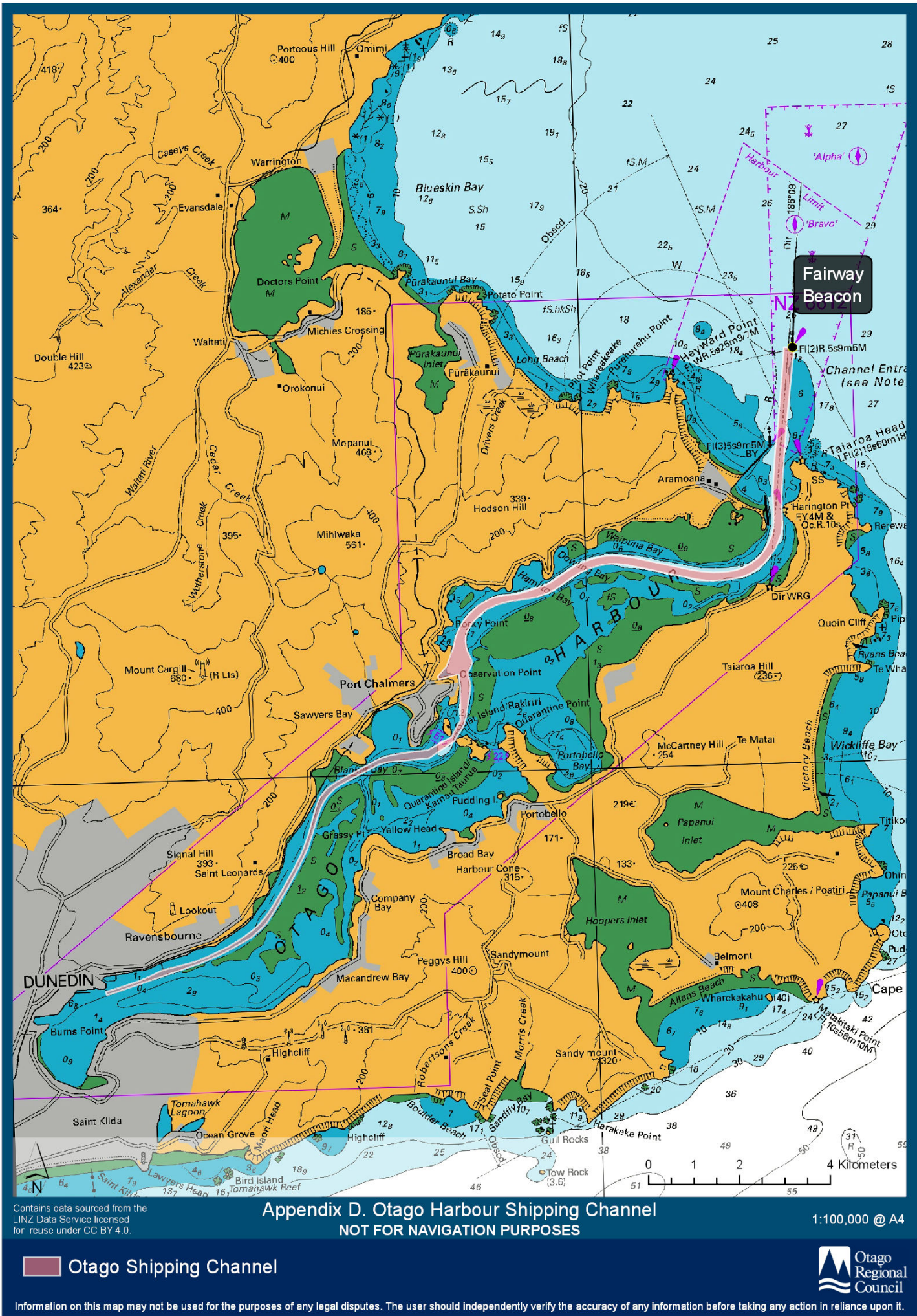
Appendix A. Otago Region



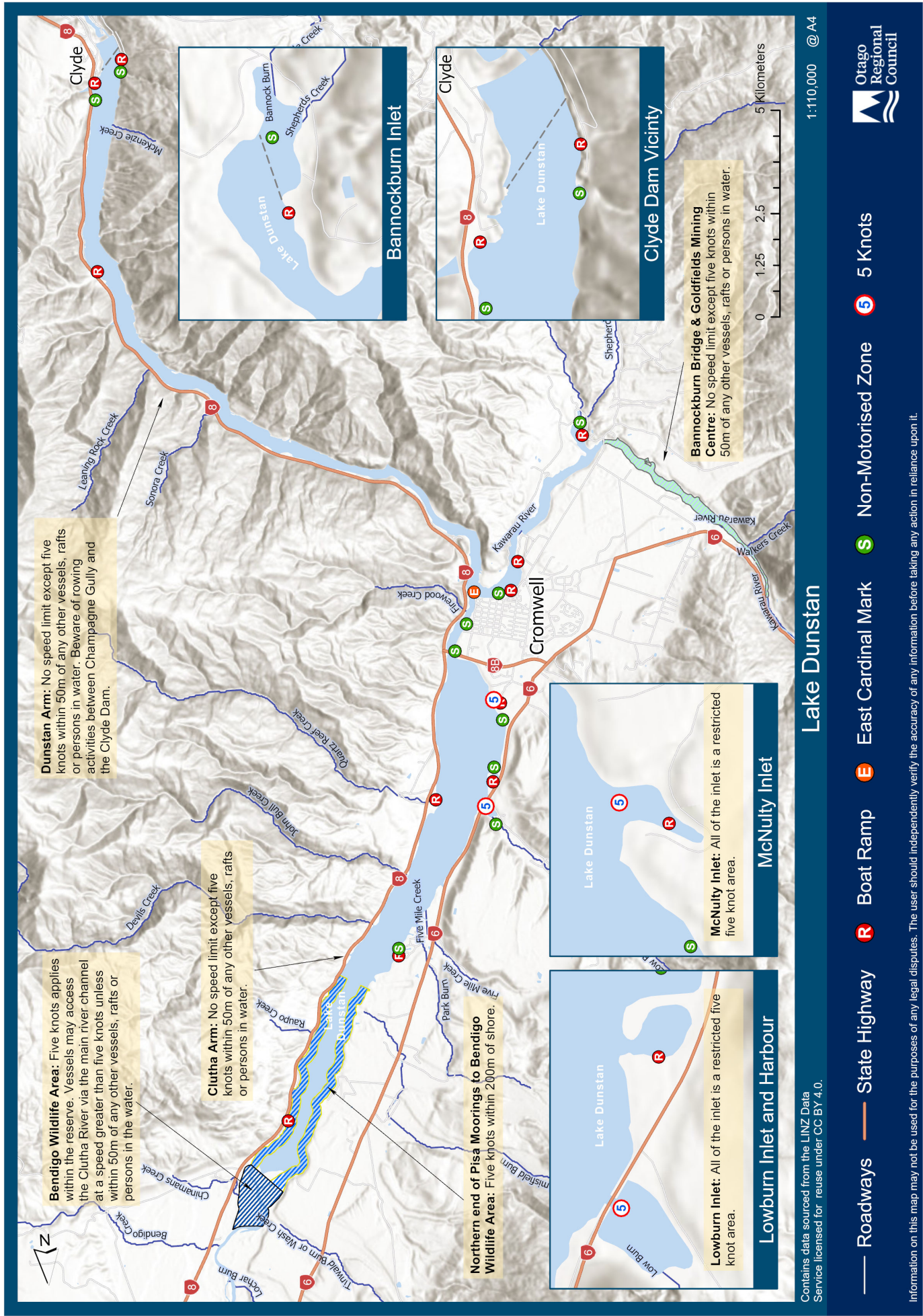
Appendix B. Commercial Port Areas of Otago Harbour



Appendix C. Otago Harbour Shipping Channel

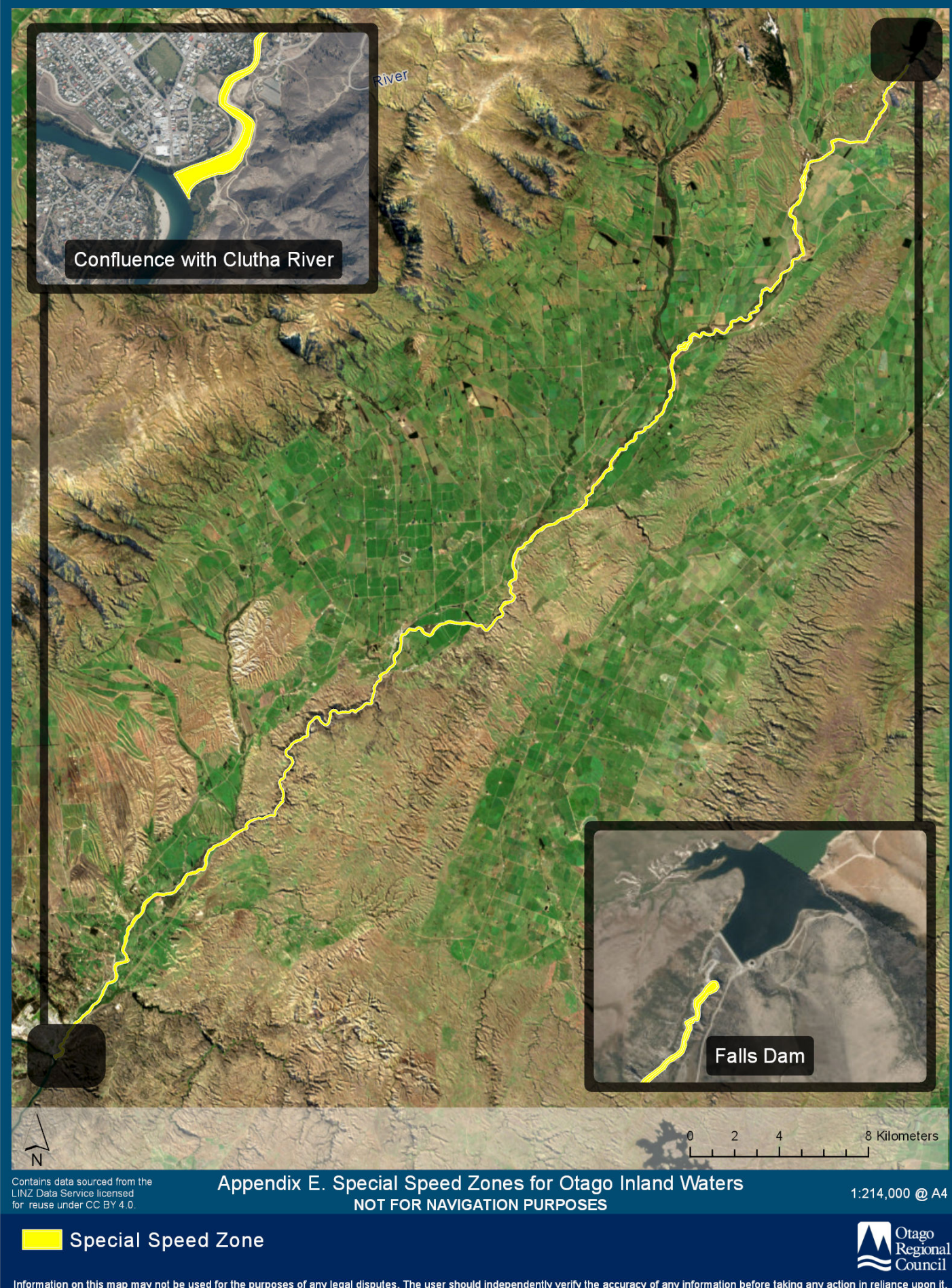


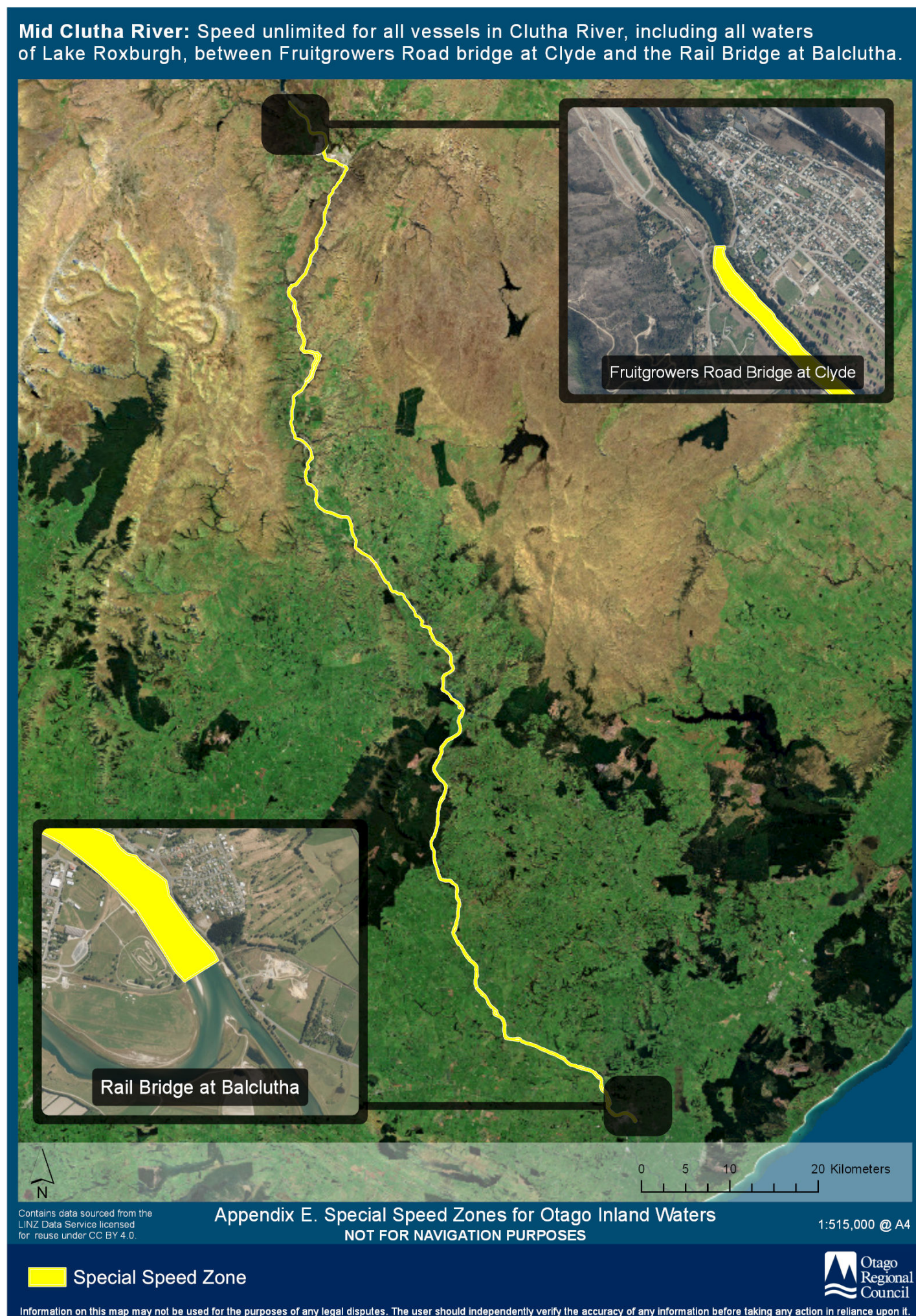
Appendix D Lake Dunstan and Reserved Areas

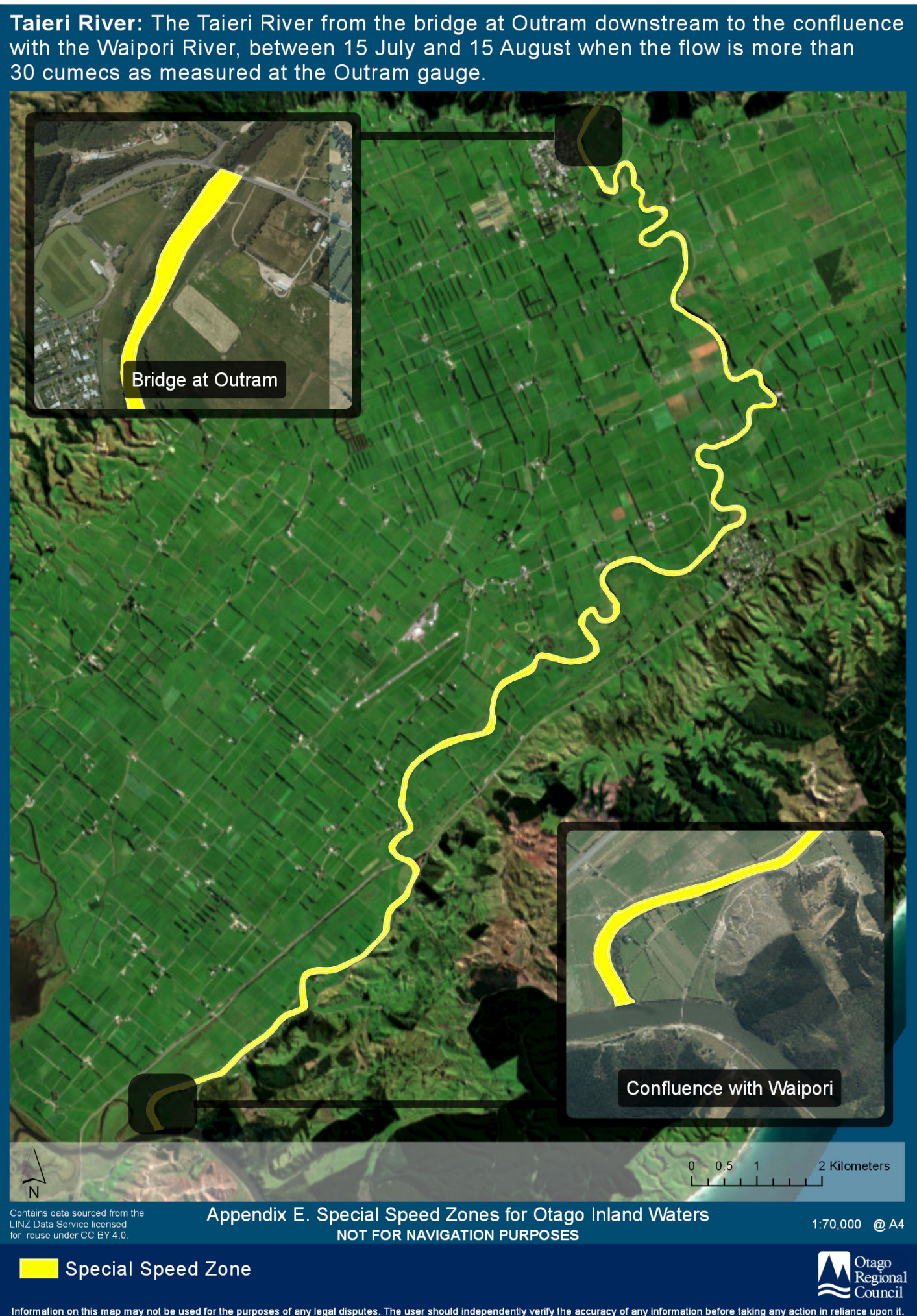


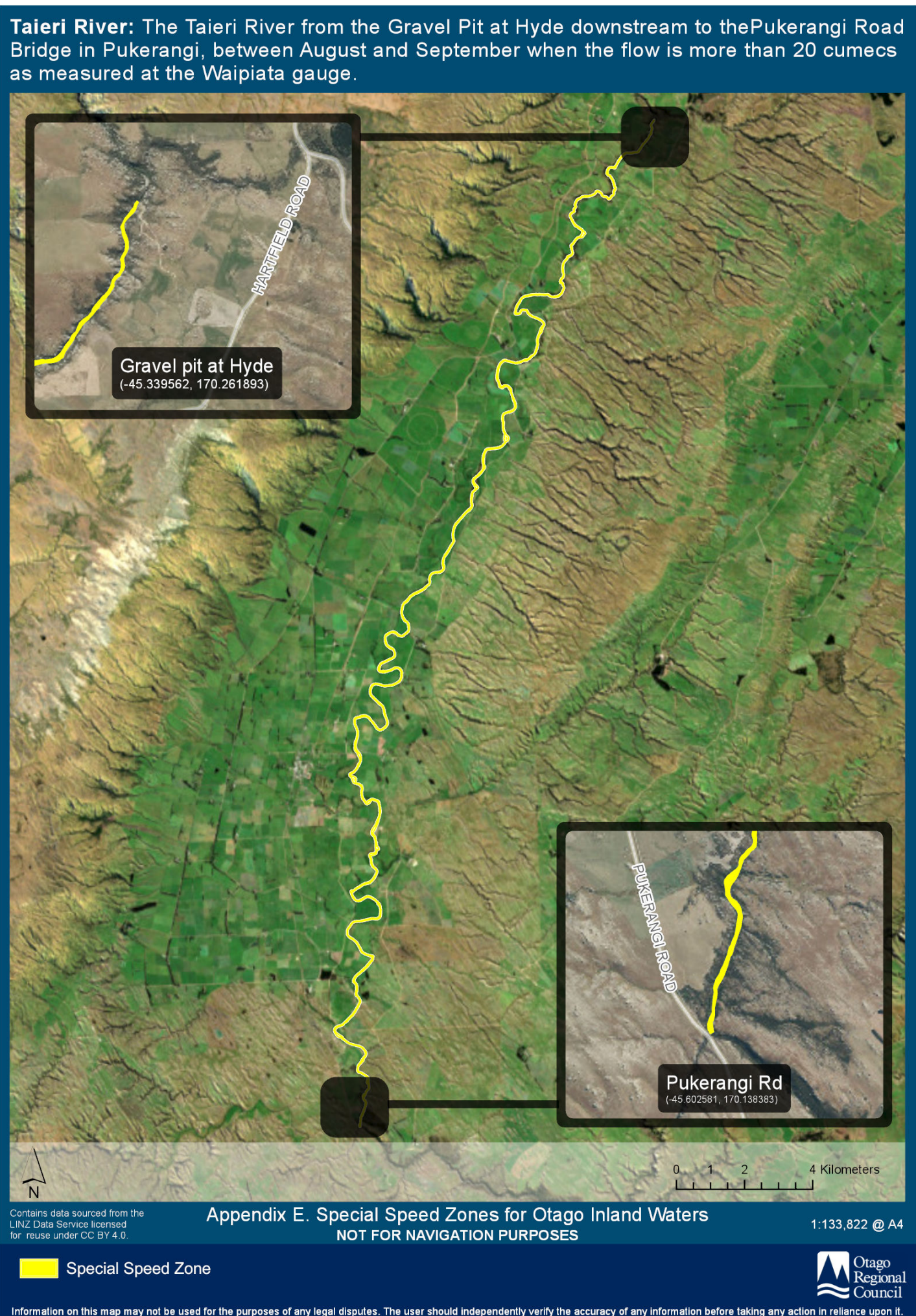
Appendix E Special Speed Zones for Otago Inland Waters

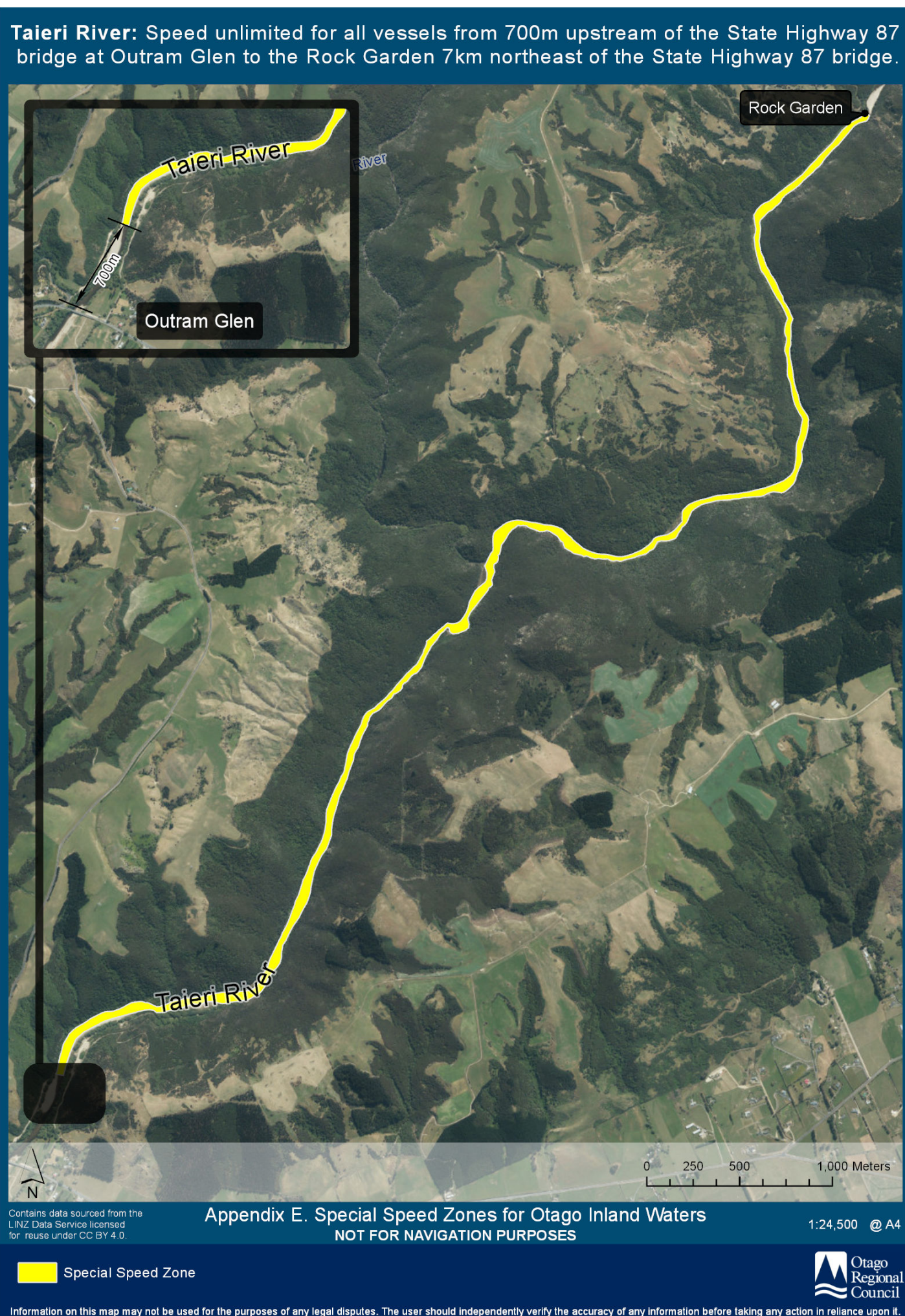
Manuherikia River: The Manuherikia River from the confluence with the Clutha River to the Falls Dam in St Bathans, between August and September when the flow is between 10 cumecs and 45 cumecs as measured at the Ophir gauge.

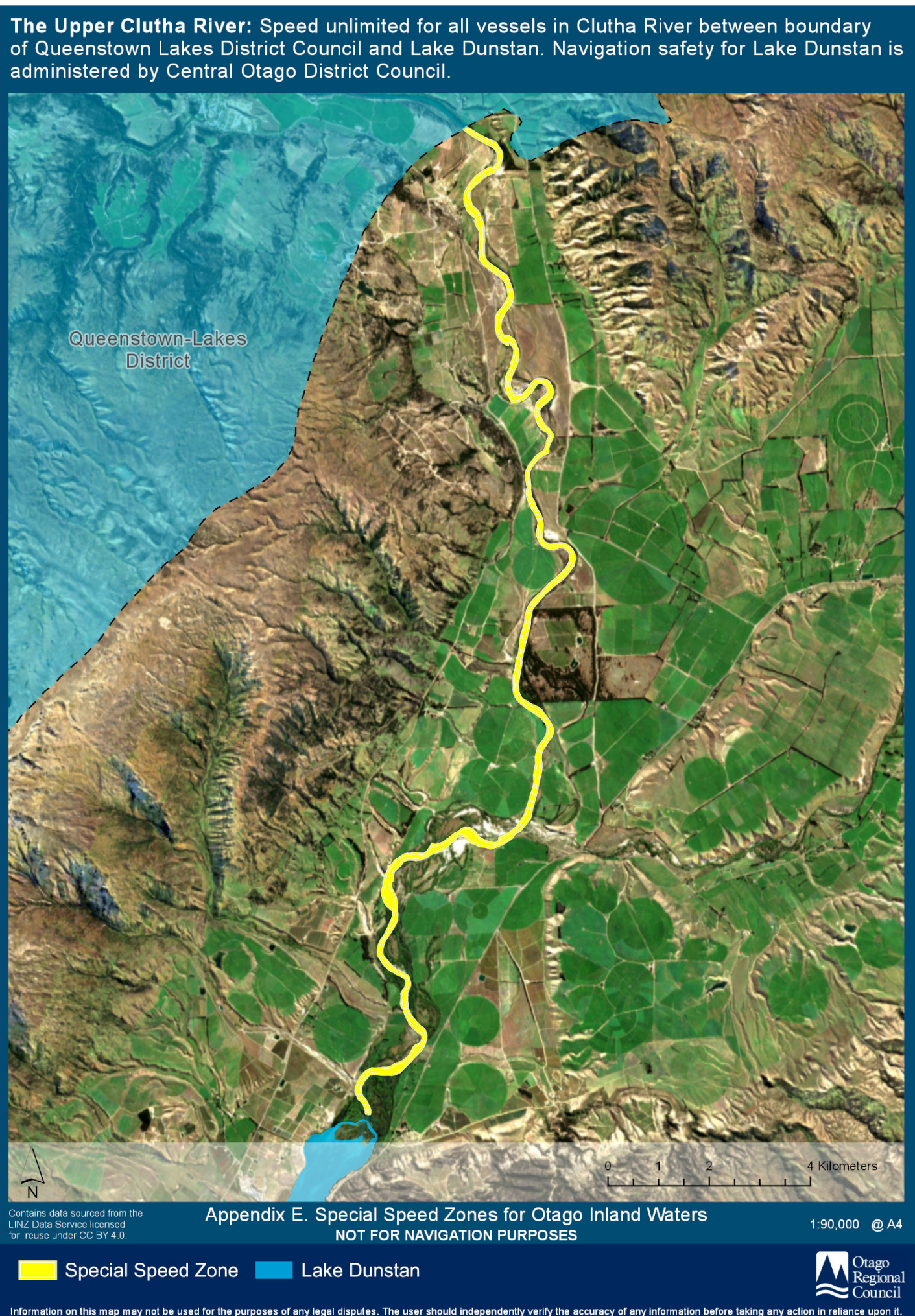


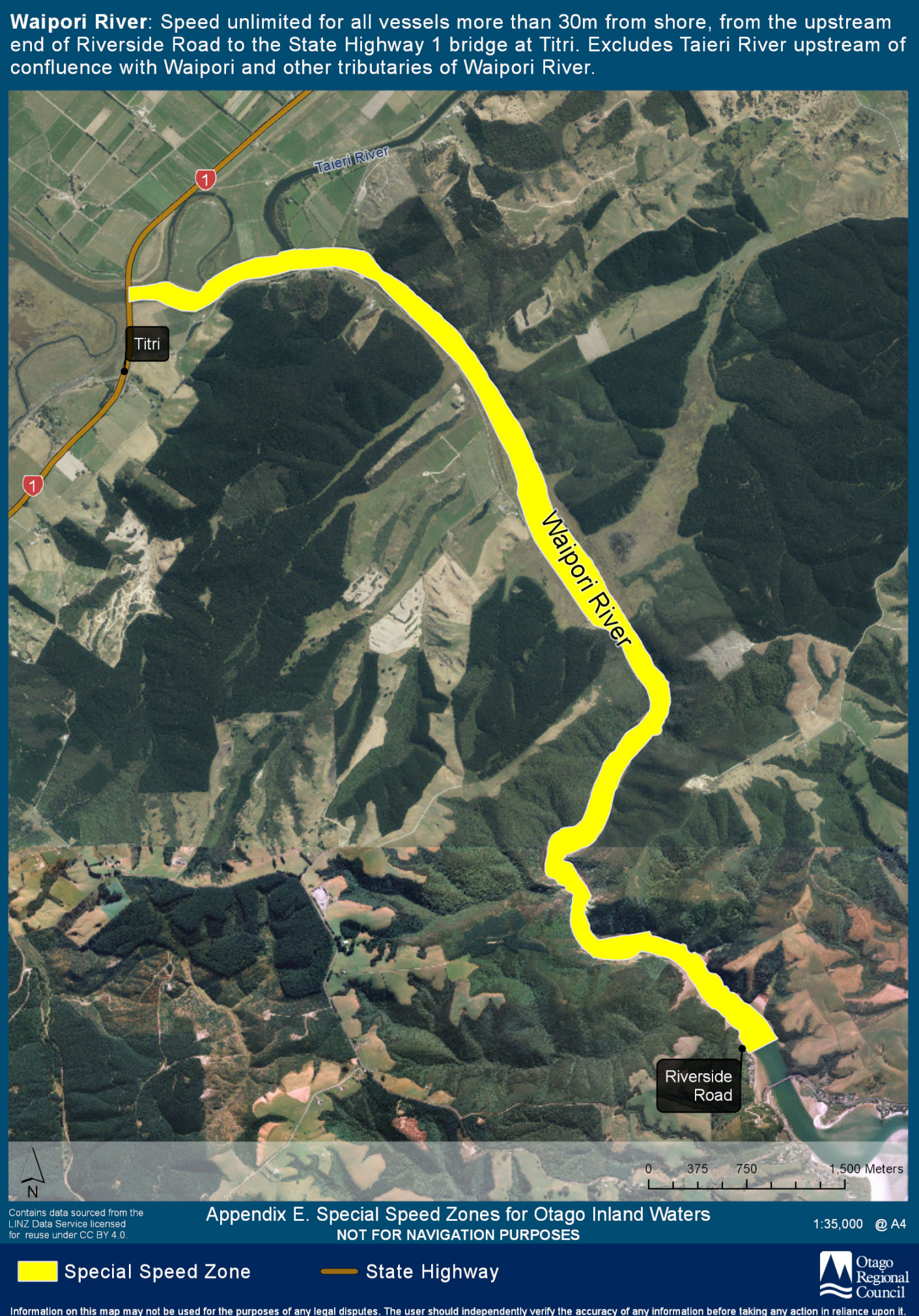












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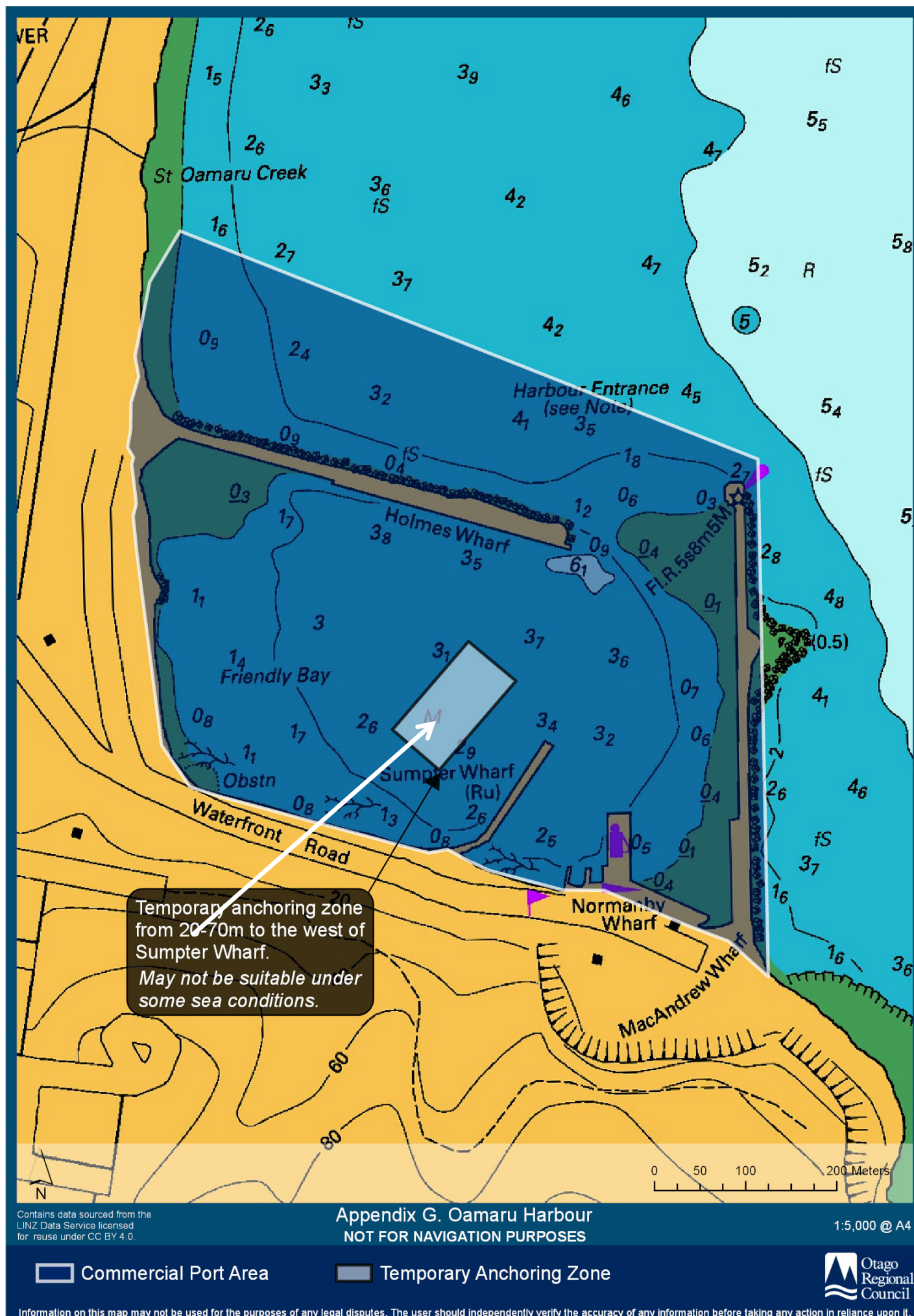
Appendix F. Halfway Islands Safety Zone
NOT FOR NAVIGATION PURPOSES

Scale: 1:9,000 @ A4

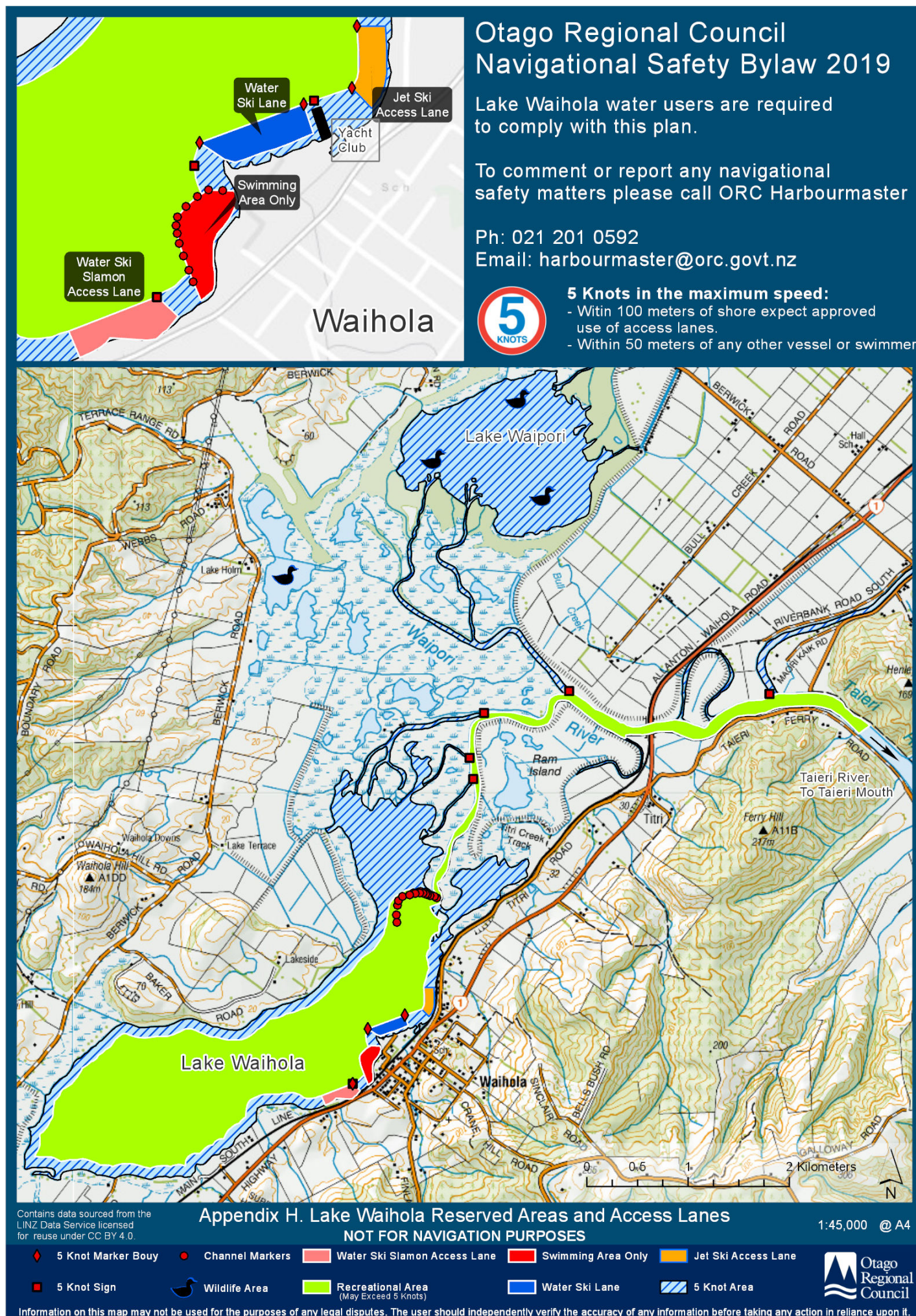
Legend: Halfway Islands Safety Zone

Information on this map may not be used for the purposes of any legal disputes. The user should independently verify the accuracy of any information before taking any action in reliance upon it.

Appendix G Oamaru Harbour



Apenndix H Lake Waihola Reserved Areas and Access Lanes



OTAGO REGIONAL COUNCIL NAVIGATION SAFETY BYLAW 2026



That pursuant to section 33M of the Maritime Transport Act 1994 and the Local Government Act 2002, the Otago Regional Council resolves that the Navigation Safety Bylaw 2026 adopted on , is hereby confirmed, and shall come into force

The common seal of the Otago Regional Council was hereunto affixed on in the presence of:

Councillor

Councillor

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Part 1. Preliminary Provisions

1. Title and commencement

This Bylaw is the Otago Regional Council Navigation Safety Bylaw 2026.

This Bylaw comes into force on **TO BE ADDED.**

2. Application

- 1) This Bylaw applies to all waters in the Otago Region including the territorial sea and all inland waters apart from:
 - (a) The navigable waters in the Queenstown Lakes District Council area, which are administered by that council as shown in **Error! Reference source not found..**

3. Interpretation

- 1) In this Bylaw, unless the context otherwise requires:

“**Accident**” means an occurrence that involves a vessel and in which

- a person is seriously harmed as a result of -
- being on the vessel or
- direct contact with any part of the vessel, including any part that has become detached from the vessel, or
- direct exposure to the was of the vessel or interaction (other than direct contact) between two vessels; or
- being involved in the salvage of any vessel, except where the injuries are self-inflicted or inflicted by other persons, or when injuries are to stowaways hiding outside areas normally available to passengers and crew: or
- the vessel sustains damage or structural failure that: -
- adversely affects the structural strength, performance, or seaworthiness of the vessel or
- would normally require major repair or replacement of the affected component; or
- poses a threat to the safety of people on board the vessel or
- there is a complete or partial failure of machinery or equipment that affects the seaworthiness of the vessel:
- there is a loss of, or damage to, or movement of, or change in the state of the cargo if the vessel which poses a risk to the vessel or other vessels or
- there is a significant loss of, or significant damage to, property (not being the cargo carried by the vessel) or the property of any person (whether or not on board the vessel), whether or not the loss or damage arises from an interaction between two vessels or
- there is a loss or escape of any substance or thing that
- may result or has resulted in serious harm to any person or
- may pose a risk, or has resulted in damage to the vessel or other vessels or
- may pose a risk, or has resulted in any damage to any property (whether or not on board the vessel): or
- a person is lost overboard (whether or not subsequently found), or is missing or

- the vessel is foundering, capsizing or being abandoned, stranded or been in a collision, or has a minor fire on board

“**Act**” means the Maritime Transport Act 1994.

“**Access Lane**” means an area declared as an access lane under clause .

“**Anchoring**” means the temporary securing of a vessel to the bed of the waterway by means of an anchor, cable or other device, that is normally retrieved from the water and stored on the vessel on departure.

“**Beacon**” means an aid to navigation identified with a beacon symbol as shown on Land Information New Zealand Chart 6612 Otago Harbour. Beacon numbers are as shown on Chart 6612.

“**Council**” means the Otago Regional Council.

“**Commercial Port Area**” means areas defined as a Coastal Development Area or a Coastal Harbourside Area in the Regional Coastal Plan for the Otago and Oamaru Harbours as shown in the maps in **Error! Reference source not found.** and G.

“**Competent Person**” when used in relation to the inspection and/or maintenance of moorings means a person or organisation who has demonstrated to the satisfaction of the Harbourmaster that they are suitably experienced and/or qualified to undertake inspections and/or maintenance of moorings.

“**Enforcement Officer**” means a person appointed by Council under section 33G of the Act.

“**Flag A**” means flag A of the International Code of Signals (the divers flag) being a swallow tailed flag, or a rigid equivalent, coloured in white and blue with white to the mast, of not less than 600mm by 600mm.

“**Flag B**” means the flag B of the International Code of Signals being a swallow tailed flag, or a rigid equivalent, coloured in red of not less than 600mm by 600mm.

“**Dunedin Wharves**” means the Commercial Port Area of Otago Harbour at Dunedin located west of beacon 67.

“**Halfway Islands Safety Zone**” means the area identified in Appendix F.

“**Harbour Area**” means Otago Harbour or Oamaru Harbour.

“**Harbour Control**” means the Otago Harbour vessel traffic control centre operated by Port Otago Limited.

Explanatory note: Harbour Control is staffed at all times and may be contacted on VHF Channel 14. Alternative contact information for Harbour Control; Telephone: 472 9882; Email: harbourcontrol@portotago.co.nz.

“**Harbourmaster**” has the same meaning as in section 2 of the Act.

“**Incident**” means any occurrence, other than an accident, that is associated with the operation of a vessel and affects or could affect the safety of operation.

“**Lake Waihola**” means the lake area shown in Appendix H.

“**Landing Place**” means a wharf, jetty, dock, quay, landing, pile mooring, pier, pontoon, boat ramp, slipway or other facility, where vessels can be or may be moored, launched or retrieved, but does not include a mooring.

“Large Vessel” means any vessel 40 metres or greater in Length Overall, or 500 gross tonnage or greater. If a tug and tow or composite vessel, gross tonnage shall be the sum of gross tonnage for all of the connected vessels.

“Length Overall” has the same meaning as ‘length overall’ as defined in Maritime Rule Part 40C. If a tug and tow, Length Overall shall be the combination of the tug and object(s) towed but not the length of the towing medium.

Explanatory note: Maritime Rule Part 40C defines length overall as “the length of the ship measured from the foreside of the head of the stem to the aftermost part of the transom or stern of the ship. Fittings (such as beltings, bowsprits, platforms, gantries, trim tabs, jet and outboard drive units) projecting beyond these terminal points must not be included in the length overall. Structures (such as bulbous bows, deckhouses, free flooding bait tanks and buoyancy tubing) projecting beyond these terminal points must be included in the length overall ...”.

Explanatory note: The Advisory Circular to Maritime Rule Part 40A has further guidance and interpretation of this definition.

“Local Notice to Mariners” means a notice related to maritime safety in Otago which is available to the public from the Council website.

“Marine Mammal” has the same meaning as in Section 2 of the Marine Mammal Protection Act.

“Manoeuvre” means actions that change the direction of a vessel.

“Master” means any person (except a pilot) having command or charge of any ship.

“Medium Vessel” means any vessel more than 15 metres but less than 40 metres in Length Overall and under 500 gross tonnage.

“Mishap” means an event that—

- (a) causes any person to be harmed; or
- (b) in different circumstances, might have caused any person to be harmed.

“Mooring” means any weight or article placed in or on the foreshore or seabed or the bed of a water body for the purpose of securing a vessel, raft, aircraft, or floating structure, and includes any wire, rope, buoy, or other device attached or connected to the weight, but does not include an anchor that is normally removed with the vessel, raft, aircraft, or floating structure when it leaves the site or anchorage.

“Mooring Area” means an area, where vessel moorings may be placed, identified by the Council as a mooring area in the Regional Coastal Plan.

“Moving Prohibited Zone (MPZ)” means the space of water in the Otago Harbour Shipping Channel extending:

- a) For a Large Vessel, 100 metres astern and 100 metres to each side of the vessel, and continued at such width to 1,000 metres ahead when that vessel is underway.
- b) For a tug in attendance of a large vessel, 100 metres all around the tug, in addition to the MPZ around the large vessel.

“Navigable” means able to be navigated by a vessel on, through, over or under the water.

“Navigational Channel” means the Otago Harbour Shipping Channel, or the principal access to any other harbour area, or the principal navigational channel of an inland water.

“Oamaru Harbour” means the Commercial Port Area located at Oamaru as shown in Appendix G.

“Otago Harbour” means the area comprising all waters enclosed by a line from Trig at Heyward Point then bearing 20 degrees for three nautical miles then bearing 126 degrees for 1.75 nautical miles then bearing 200 degrees for 3 nautical miles to Howletts Point, as published in the New Zealand Gazette Vol II July 1930 p.2233 and p.2234.

“Otago Harbour Shipping Channel (OHSC)” means the marked channel extending through Otago Harbour from the Fairway Beacon at the Channel Entrance through the gap between the Halfway Islands (Goat Island and Quarantine Island) to a line extending due south of Beacon 67 at the Dunedin Wharves as shown in Appendix C.

“Otago Region” means the area to which this Bylaw applies as listed in clause 2 of this Bylaw and shown in 8 (the map).

“Owner”:

- (a) when used in relation to any vessel, has the same meaning as in the Act
- (b) when used in relation to any landing place, means the person holding a coastal permit under the Resource Management Act 1991 for the landing place and shall include a lessee of the landing place
- (c) when used in relation to Port Areas of Otago Harbour means Port Otago Limited
- (d) when used in relation to Commercial Port Areas of Oamaru Harbour means the Waitaki District Council, or a port company established by the Waitaki District Council.

“Parasailing” “Parakiting” or “Paragliding” means any flying or gliding by use of a parachute or kite when being towed by a vessel

“Personal Flotation Device” means any serviceable buoyancy aid that is designed to be worn on the body and that is certified by a recognised authority as meeting

- (e) type 401, 402, 403, 404, 405, or 408 in NZ Standard 5823:1989 or NZ Standard 5823:2001 or type 401, 402, 403, 404, 405 or 406 in NZ Standard 5823:2005; or
- (f) a national or international standard that the Director is satisfied substantially complies with types 401, 402, 403, 404, 405, or 408 of the NZ Standard 5823:1989 or NZ Standard 5823:2001 or type 401, 402, 403, 404, 405 or 406 in NZ Standard 5823:2005:

“Personal Water Craft” means a power-driven vessel that—

- (g) has a fully enclosed hull; and
- (h) does not take on water if capsized; and
- (i) is designed to be operated by a person standing, sitting astride, or kneeling on it, but not seated within it

“Pilot” means any person, not being the master or a member of the crew of the ship, who has the conduct of the ship.

“Pleasure Craft” means

- (j) a vessel that is not offered or used for hire or reward, and is used exclusively for—
 - (i) the owner’s pleasure or as the owner’s residence; or
 - (ii) recreational purposes by—
 - (A) the members of a club that owns the vessel:

- (B) the beneficiaries of a trust that owns the vessel:
- (C) the members of an incorporated society that owns the vessel; but
- (k) excludes a vessel that is—
 - (iii) provided for transport, sport, or recreation by, or on behalf of, an institution, hotel, motel, place of entertainment, or other establishment or business:
 - (iv) used on a voyage for pleasure if the vessel is normally used, or intended to be normally used, as a fishing vessel or for the carriage of passengers or cargo for hire or reward:
 - (v) operated or provided by—
 - (A) a club, incorporated society, or trust for non-recreational purposes; or
 - (B) a business

“Port Company” has the same meaning as “port company” in the Port Companies Act 1988.

“Power-driven vessel” means any vessel propelled by machinery.

“Regional Coastal Plan” means the Council’s Regional Plan: Coast for Otago.

“Reserved Area” means an area declared as being reserved for a specified maritime safety purpose under Maritime Rules Part 91 or clause **Error! Reference source not found.** of this Bylaw.

Explanatory note: For the avoidance of doubt the only reserved areas in the Otago Region having legal status are those authorised under this Bylaw. All reserved areas authorised by previous bylaws, rules, or regulations made under any act have been revoked by this bylaw (or a previous bylaw) and have no effect or legal status.

“Restricted Visibility” means any condition in which visibility is restricted by fog, mist, falling snow, heavy rainstorms, sandstorms, or other similar causes.

“River” includes a stream and any natural, modified or artificial watercourse; but does not include any part of a river within the ebb and flow of the tide at ordinary spring tides:

“Sailboard” means any type of board including a windsurfer or kiteboard that is propelled by any type of sail and intended to be navigated by a person standing upright on the board.

“Ship” has the same meaning as Vessel.

“Shore” when referring to distance from shore, means distance from the water’s edge.

“Speed” means

- (a) On the sea or lakes the speed through the water; or
- (l) On rivers and estuaries, the speed through the water if travelling with the current, or speed over the ground if travelling against the current.

“Small Vessel” means any vessel 15 metres or less in Length Overall.

“Special Speed Zone (SSZ)” means an area of water where the speed limit has been set under clause **Error! Reference source not found.** or clause 32 of this Bylaw.

Explanatory note: Under Maritime Rule Part 91 speed limits are generally 5 knots within 200m of shore or a structure, and within 50m of a person in the water.

“Specified MPZ” means a Moving Prohibited Zone specified for any vessel by the Harbourmaster in accordance with clause 28(4) of this bylaw.

“Support Vessel” means any vessel used for coaching, marshalling and rescue attendance for training, regattas and competitions.

Explanatory note: For the sake of clarity, this definition relates to recreational and sporting activities and does not include port company vessels engaged in normal port operations.

“Surfboard” means any type of board that is used for surf riding.

“Territorial Sea” means the territorial sea of New Zealand which comprises those areas of the sea having, as their inner limits, the baseline described in and of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977 and, as their outer limits, a line measured seaward from that baseline, every point of which line is distant 12 nautical miles from the nearest point of the baseline.

“Underway” means a vessel not at anchor, or made fast to the shore, or aground.

“Unseaworthy” means, in the opinion of the Harbourmaster not being in a fit condition or readiness to navigate safely on the water.

“Vessel” means every description of ship, boat or craft used in navigation, whether or not is has any means of propulsion; and includes—

- a) a barge, lighter, or other like vessel:
- b) a hovercraft or other thing deriving full or partial support in the atmosphere from the reaction of air against the surface of the water over which it operates:
- c) a submarine or other submersible:
- d) a seaplane while it is on the surface of the water.
- (m) and shall include but is not limited to, a sledge, surfboard, sailboard, stand-up paddle board, raft, personal water craft or any other object intended or used to carry or support a person in or on the water.

“VHF” means maritime very high frequency two-way radio on channels in the frequency range between 30 MHz and 300 MHz.

“Waters” means

- (a) all the sea area including in estuaries, inlets or harbours and coastal waters, the outer boundary being the seaward limit of the territorial sea and the inner boundary being the water’s edge; and
- all inland navigable waters of the Region.

Explanatory note: The seaward limit of the territorial sea is approximately 12 nautical miles from shore, the exact limits may be found on the Land Information New Zealand (LINZ) website. Inland waters includes all rivers lakes and ponds regardless of whether or not they are accessible to the general public.

“Water Skiing” means- being towed barefoot or on an object of any kind other than a vessel.

NOTE

To avoid doubt, compliance with this Bylaw does not remove the need to comply with all other applicable Acts, regulations, bylaws, Maritime Rules, rules in any District or Regional Plan and rules of law.

Unless the context requires another meaning, a term or expression that is defined in the Act or a Maritime Rule and used in this Bylaw, but not defined, has the meaning given by the Act or Maritime Rule.

Any explanatory notes are for information purposes only and do not form part of this Bylaw, and may be made, amended and revoked without formality.

4. Revocation

- This Bylaw revokes all existing speed uplifts or increases and restricted areas in the Otago Region previously authorised by the Otago Regional Council or its predecessors.

Part 2. General Navigation Safety Requirements

5. Notification of maritime accidents, incidents and mishaps

- 1) The person owning or having responsibility for, or in charge of, or having conduct of any vessel, Port Company property, other maritime facility, structure or object that:
 - a) has been involved in any accident, incident, or mishap involving a vessel; or
 - b) in any manner gives rise to a navigational hazard;

Shall, as well as complying with any accident reporting requirements of Maritime Rules and the Act, as soon as practicable report the occurrence to the Harbourmaster.

- 2) For other accidents incidents or mishaps the Harbourmaster shall be contacted as soon as practicable within 24 hours of the incident by phone call or by email.

Explanatory note: Harbourmaster email address is harbourmaster@orc.govt.nz

- 3) Persons reporting accidents under the Maritime Rules and the Maritime Transport Act should provide to the Harbourmaster a copy of the appropriate Maritime New Zealand report form within 24 hours of submission to Maritime New Zealand.
<https://services.maritimenz.govt.nz/incident/>

6. Person in charge of the vessel

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.

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.

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.

7. Carriage of personal flotation devices

A person in charge of a pleasure craft must not operate it unless there are sufficient personal flotation devices for each person on board at all times that the vessel is underway.

Personal flotation devices must be:

- (n) in a readily accessible location on board the vessel;
- (o) of an appropriate size for each person on board;
- (p) an appropriate type for the activity being undertaken; and
- (q) in good operative condition.

8. Exemptions to the compulsory carriage of personal flotation devices

Clause does not apply to:

- (r) any person on a surfboard or stand up paddle board when the board is attached to the person by means of a tether;
- (s) any sailboard activity, if a wetsuit is worn at all times;

- (t) a diver on a vessel of 6 metres length or less that is used for recreational diving within five nautical miles of shore, when a full body wetsuit is worn at all times;
- (u) a person training for or participating in a sporting event, if the training or the event is supervised in accordance with a safety system approved by the Harbourmaster.

Explanatory note: The Harbourmaster may approve a sporting organisation if that organisation has in place a safety system that the Harbourmaster is satisfied provides an equivalent level of safety to the carriage or wearing of personal flotation devices.

- (v) a sporting event, training activity, ceremonial or other authorised customary event if:
 - (vi) a support vessel that is capable of providing adequate assistance in the event of an emergency remains in the immediate vicinity of the vessel and the vessel and support vessel in combination carry personal flotation devices or buoyancy aids of an appropriate type and size for every person on board in the event of any danger to the health and safety of occupants of the vessel;
or
 - (vii) the Harbourmaster has approved a prior written exemption.

Explanatory note: The Harbourmaster may approve an exemption for a specified period if satisfied that adequate safety precautions are made for rescuing any person participating in the event or activity.

9. Wearing of personal flotation devices on vessels

Every person on board vessels 6 metres or less length overall must wear a properly secured personal flotation device of an appropriate size for that person at all times.

Subclause 9(1) does not apply if the person in charge of the vessel, after assessing all circumstances and determining there would be no reduction in safety, expressly authorises any person on board to not wear a personal flotation device.

- 1) Subclause 9(1) does not apply to a person who is below deck of the vessel unless expressly instructed to wear a personal flotation device by the person in charge of the vessel.
- 2) Subclause 9(1) does not apply to a person training or participating in or for any trick water skiing/wake boarding element of a sporting event 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.
- 3) All persons must wear a properly secured personal flotation device of an appropriate size for that person when:
 - (a) in circumstances where tides, river flows, visibility, rough seas, adverse weather, when crossing a bar, in emergencies, or other situations that may cause danger or a risk to the safety of persons on board, or;
 - (b) being towed by a vessel.

Explanatory note: circumstances and activities that could result in people inadvertently being in the water includes the activity being undertaken by a person, the type of vessel, the activity the vessel is engaged in, adverse weather or sea conditions, and other nearby vessel activity that could result in collision. A person must wear and secure a suitable personal flotation device whilst on a vessel if instructed to do so by the Harbourmaster.

10. Minimum age for operating power-driven vessels

- 1) No person under the age of 15 years shall be in charge of, or navigate, a power-driven vessel that is capable of a speed exceeding 10 knots unless he or she is under the direct supervision of a person over the age of 15 years who is in immediate reach of the controls.
- 2) The person in charge of a power-driven vessel that is capable of a speed exceeding 10 knots must not allow any person who is under the age of 15 years to navigate that vessel in contravention of subclause 10(**Error! Reference source not found.**
- 3) Subclause 10(**Error! Reference source not found.** does not apply to any person who has a written approval from the Harbourmaster. Written approvals may be given for training, competitions or other sporting events, and the Harbourmaster, when considering whether or not to grant such an approval, shall have regard to the competence of the person, the level of supervision, and awareness of other relevant navigation safety matters.

11. Navigation on rivers

- 1) A person in charge of a vessel on a river must:
 - a) Ensure that the vessel keeps to the starboard side of the navigable channel where safe and practicable; and

- b) When going upstream, give way to any vessel coming downstream; and
- c) Not navigate the vessel unless it is safe to do so and weather conditions are considered to permit safe navigation of the vessel; and
- d) Not exceed a speed of 5 knots on any river unless in an area designated as a SSZ, or a Reserved Area or an Access Lane.

*Explanatory note for subclause **Error! Reference source not found.****Error! Reference source not found.**: For example, not navigate immediately downstream of dams that are spilling.*

12. Fishing or swimming or diving around landing places

- 1) No person shall fish, jump, dive or swim:
 - a) From, or within 50 metres from, a landing place in a manner that interferes with the berthing or departure of any vessel, or
 - b) In Commercial Port Areas without the permission of the owner and shall comply with all conditions of that permission, or
- 2) Subclause 12(1) does not apply to activities conducted by, on behalf of, or approved by a marine facility owner within the relevant Commercial Port Area.

13. Obstructions that may constitute or become a danger to maritime safety

- 1) No person may place any obstruction, including any fishing apparatus, in any waters that is likely to—
 - (a) restrict navigation; or
 - (b) cause injury or death to any person; or
 - (c) cause damage to any vessel or any property.

14. Vessels to be seaworthy

- 1) No person shall navigate any vessel in circumstances where the vessel is unseaworthy, except to remove the vessel from the water or to move it to a safe area.

No person shall operate any vessel in circumstances where persons on board have been advised by the Harbourmaster or an enforcement officer that the vessel is unseaworthy, except to comply with the directions of the Harbourmaster or enforcement officer to proceed to a safe area.

15. Vessels to be identified

- 1) No person shall navigate a vessel unless it displays an identifying name or number displayed above the waterline on each side of the vessel.
- 2) The identifying name or number shall;
 - (a) consist of letters of the Roman alphabet or numbers that are not the vessel's brand, make or model; and
 - (b) be unique to that vessel; and

- (c) unless complying with the requirements of an organisation listed in subclause 15(3)(a), be a minimum height of 90 millimetres and be readable to the naked eye by day from a distance of at least 50 metres.
- 3) The identifying name or number referred to in subclause 15(**Error! Reference source not found.** shall be:
 - a) a registration or identification approved by and conforming to the requirements of:
 - (i) Maritime New Zealand (MNZ) or an equivalent foreign authority (e.g. a MNZ number or vessel's registered name); or
 - (ii) A sporting body as may be approved from time to time by the Harbourmaster and listed on the Council's website; or
 - b) the vessel's radio call sign; or
 - d) for any trailer borne vessel without a registration or identification listed in subclauses (**Error! Reference source not found.** or (**Error! Reference source not found.**, the registration number of its trailer; or a unique identification name or number or,
 - c) for non-trailer borne vessels, an identifying name or number otherwise complying with the requirements of subclause 15(**Error! Reference source not found.**, or
 - d) for sail vessels the identifying name or number may be the vessel's sail number.
- 4 Other non powered vessels under 6m length shall be marked with the current owner's name and contact details somewhere on the vessel.
- 4) Subject to subclause (4), subclauses (1), (2) and (3) do not apply to:
 - (a) non-powered vessels of six metres or less in length;
 - (b) paddle craft;
 - (c) vessels powered solely by oars;
 - (d) a vessel which is temporarily being operated on Otago waters and which displays markings which meet an identification requirement within the Navigation Safety Bylaws of the region in which the vessel normally operates.

Explanatory note: For the sake of clarity, "trailer borne vessel" refers to a vessel transported on a road-going trailer that is, or is required to be, registered. It does not include vessels stored on/launched from haul-out trailers – such vessels fall into the "non-trailer borne vessel" category.

16. Navigational aids

- 1) No person shall erect, maintain or display any sign, beacon, light, mark, buoy or other device that has the characteristics of a navigational aid and/or which may be used or mistaken as a navigational aid or warning, without the prior written approval from the Harbourmaster.

No person shall tie a vessel to any beacon, navigation marker, navigation buoy, light or other navigation structure, without the prior written permission of:

- (a) The Harbourmaster if it is operated by the Council; or
- (b) The Director of Maritime New Zealand if it is operated by Maritime New Zealand.

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

Part 3. Speed Limits, Reserved Areas and Access Lanes

17. General speed limits

No person may, without reasonable excuse, propel or navigate a vessel (including a vessel towing a person or an object) at a speed exceeding 5 knots:

- (a) within 50 metres of any other vessel, raft, or person in the water; or
- (b) within 200 metres of the shore or of any structure; or
- (c) within 200 metres of any vessel or raft that is flying Flag A of the International Code of Signals (divers flag).

No person may propel or navigate a powered vessel at a speed exceeding 5 knots while any person has any portion of his or her body extending over the fore part, bow, or side of that vessel.

No person may cause himself or herself to be towed by a vessel (whether or not on a water ski, aquaplane, or other similar object) at a speed exceeding 5 knots in any circumstances specified in subclause 17(1).

Subclause 17(1) (a) shall not apply to:

- (d) a vessel over 500 gross tonnage, if the vessel cannot be safely navigated in compliance with this subclause; or
- (e) any vessels while participating in a yacht race or training administered by—
 - (iii) a club affiliated to Yachting New Zealand; or
 - (iv) a non profit organisation involved in sail training or racing; or
- (f) a craft training for or participating in competitive rowing or paddling; or
- (g) a tug, pilot vessel, harbourmaster vessel, emergency response craft or police vessel, if the vessel's duties cannot be performed in compliance with this clause; or
- (h) a vessel operating in accordance with a Special Speed Zone established under Clause or clause 32 of this Bylaw.

Subclause 17(1)(b) shall not apply to:

- (i) a vessel operating in an access lane or a reserved area for the purpose for which the access lane or reserved area was declared, unless, in the case of a reserved area, a navigation bylaw provides otherwise; or
- (j) a vessel operating in accordance with Special Speed Zone established under Clause or clause 32 of this Bylaw, or
- (k) a vessel over 500 gross tonnage, if the vessel cannot be safely navigated in compliance with this clause; or
- (l) a craft training for or participating in competitive rowing or paddling; or
- (m) a tug, pilot vessel, harbourmaster vessel, emergency response craft or police vessel when the vessel's duties cannot be performed in compliance with this clause.

Exemption:

- 1) Vessels shall be exempt from compliance with the general speed limit specified in Clause **Error! Reference source not found.** (**Error! Reference source not found.** provided that navigation is conducted in a safe manner and is authorised by
 - a) an approval to use SSZs pursuant to clause **Error! Reference source not found.** (**Error! Reference source not found.** or clause 32 of this Bylaw provided that the vessel speed does not exceed the specified maximum speed for the vessel concerned in that SSZ; or
 - b) a Reserved Area or Access Lane pursuant to clause **Error! Reference source not found.** or Part 6 of this Bylaw; or
 - (n) the Harbourmaster for specific vessels.

Requirement for safe and considerate navigation:

- 2) No person is permitted by any provision of this Bylaw or any Maritime Rule to navigate a vessel in a manner that is likely to endanger any person or vessel.

Wake and Draw off:

No person may operate a power-driven vessel at a speed or in a manner that any wake or draw-off endangers persons or property. . This clause does not apply to a vessel over 500 gross tonnage, if the vessel cannot be safely navigated in compliance with this subclause

Speed over bars

The person in charge of a vessel may navigate a vessel at any speed required to enable the safe crossing of a river mouth bar.

18. Special Speed Zone (SSZ)

Each of the waters shown in appendix D is declared under this bylaw as a Special Speed Zone (SSZ).

- 1) 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 18(**Error! Reference source not found.** or subclause 18(**Error! Reference source not found.**

Ability to restrict or revoke approval to use SSZs

- 2) The Harbourmaster may at any time restrict or revoke an approval given under subclause (2) in relation to any person if that person is, in the opinion of the Harbourmaster:
 - a) Using the SSZs in an unsafe manner;
 - b) In breach of the Bylaw in a manner that justifies restriction or revocation of the person's approval to use the SSZs.

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.

Explanatory note: Changes to the extent and permitted use of any SSZ will be posted on the ORC website in advance of any change.

19. Reserved Areas and Access Lanes

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

No person may enter a reserved area for any other purpose than that specified by the Harbourmaster.

While a reserved area is in use for the purpose specified by the Harbourmaster, no person may obstruct that use, or be in the specified area for any other purpose without prior approval of the Harbourmaster.

20. Water Skiing, Parasailing, Paragliding and Towing

- 1) Speed of Towed Object or Watercraft
 - (a) No person, (whether or not on a water ski, aquaplane, or similar object), shall cause or allow themselves to be towed by a vessel at a proper speed exceeding 5 knots in any circumstances specified in clause 17.1 (a) and (c). (Note that speed limits for water skiing may be uplifted in reserved areas).
- 2) Dropping of Skis or Other Objects
 - (a) No person in charge of a vessel shall permit the vessel to continue onwards, after any person being towed by that vessel has dropped, whether accidentally or otherwise, any water ski or similar object that may cause danger to any other person or vessel, without taking immediate action to recover that water ski or similar floating object, unless the person has taken measures to ensure that the dropped ski or similar object is clearly visible to other water users.
- 3) Lookouts Required on Vessels used for Water Skiing and Towing
 - (a) No person in charge of a vessel shall use it or allow it to be used to tow any person on a vessel, surfboard, windsurfer, sailboard, water ski or skis, toboggan, aquaplane, wakeboard or other object, at a speed exceeding 5 knots, unless there is on the towing vessel, in addition to the person in charge, at least one other person aged 10 years or over who is acting as a lookout for immediately notifying the person in charge of the towing vessel of any loss of control, letting go, or any other mishap that occurs to the person who is being towed.
 - (b) No person, whether on a vessel, water ski or skis or other objects or not, shall cause or allow themselves to be towed by any vessel, at a speed exceeding 5 knots, unless there is on the towing vessel, in addition to the person in charge, at least one other person

aged 10 years or over who is acting as a lookout for immediately notifying the person in charge of the towing vessel of any loss of control, letting go, or any other mishap that occurs to the person who is being towed.

4. **No Water Skiing at Night**

(a) No person may operate a vessel that is towing any person on a water ski or skis, an aquaplane, toboggan, surfboard, windsurfer, sailboard or similar object, or who is barefoot skiing, between sunset and sunrise.

(b) No person on a water ski or skis, and aquaplane, toboggan, surfboard, windsurfer, sailboard or similar object, or who is barefoot skiing, shall cause or allow themselves to be towed by any vessel between sunset and sunrise.

21. **Divers to Display Flag Alpha (A)**

The Master of every vessel from which underwater dive operations are in progress must ensure that Flag A of the International Code of Signals is displayed in such a manner that it can be clearly identified from another vessel at a distance in excess of 200 metres.

Every person diving from a vessel or independent of a vessel must ensure that Flag A is displayed in such a manner that it can be clearly identified from another vessel at a distance in excess of 200 metres.

22. **Special events**

- 1) A person that intends to conduct a sporting event, training activity, ceremonial or customary event or any other organised water activity on navigable water must obtain approval from the Harbourmaster if the activity is likely to affect normal operation of another vessel or any other user of the water, or:
 - a) requires temporary suspension of the relevant speed clause(s) and any other relevant clause of the Maritime Rules or this Bylaw;
 - b) requires an area to be temporarily reserved for a specific area for the purpose of the event; or
 - c) requires the temporary suspension of a reserved area or access lane; or
 - d) requires temporary installation of course markers or similar such structures in the water.

An application to temporarily reserve an area of navigable water may be approved or refused at the discretion of the Harbourmaster, upon such terms and conditions as the Harbourmaster thinks fit. Such conditions may include temporary suspension of use of defined waters by all other users, if reasonably required for maritime safety purposes in the opinion of the Harbourmaster.

Explanatory note: Temporary Reservations will be published by Local Notice to Mariners on the Council's website.

23. **Conduct near marine mammals**

- 1) In the vicinity of marine mammals, the person in charge of each vessel shall;

- a) travel no faster than idle or 'no wake' speed within 300m of any marine mammal
- b) approach whales and dolphins from behind and to the side
- c) not circle them, obstruct their path or cut through any group.
- d) keep at least 50m from whales (or 200m from any large whale mother and calf or calves).
- e) idle slowly away. Speeds may be gradually increased to out-distance dolphins and should not exceed 10 knots within 300m of any dolphin.

Explanatory note: the presence of marine mammals tends to attract vessels into a small area of water for viewing purposes. It is important for maritime safety that vessels operate in a consistent and predictable manner.

- 2) Masters of large vessels are not obliged to comply with Clause 23 (1) if necessary for navigationsafety reasons.

Explanatory note: Masters of Large Vessels should slow down as much as conditions allow while keeping sufficient speed for control of the vessel to maintain navigational safety within the confines of the navigable waters.

Part 4. Anchoring and Mooring

24. Anchoring

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.

- 1) No vessel shall anchor in a manner that obstructs moorings or moored vessels.

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.

- 2) 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.

Vessels are permitted to anchor in Oamaru Harbour in the area shown in Appendix G provided that clauses (**Error! Reference source not found.** to (**Error! Reference source not found.** above are complied with.

25. Vessels to be adequately secured

- 1) The person in charge of a vessel must ensure that it is securely anchored or moored, and secured while left unattended.
- 2) In securing the vessel, the person in charge of the vessel must only use rope, chain or other means of anchoring or mooring a vessel that is fit for purpose.
- 3) No person shall secure a vessel to any post, wharf, ring, fender, buoy or any other structure not fit for that purpose.
- 4) No person shall leave any vessel or other property in a place where it may create a navigation hazard or nuisance where it may interfere with the normal use of the waters by other persons.

No person shall set a vessel adrift or interfere with a mooring or fastening.

26. Moorings

- 1) No person shall lay, or move, a mooring unless:

- a) that person holds a coastal permit for that mooring from Council; or
 - b) the mooring is a permitted activity in the Regional Coastal Plan.
- 2) No person shall secure a vessel to a mooring that exceeds the length, displacement, or draught specified in the coastal permit or in licencing arrangements with the coastal permit owner.
- 3) If at in any time in the opinion of the Harbourmaster any mooring is or may be in an insufficient state of repair the Harbourmaster may require the mooring to be:
 - (a) inspected by a competent person approved by the Harbourmaster; and
 - (b) repaired to a standard specified by the Harbourmaster.
 within a period specified by the Harbourmaster.

Part 5. Special Provisions on Activities in Otago Harbour

27. Communication requirements for vessels in the Otago Harbour Shipping Channel

- 1) All vessels over 6m in length shall carry an operational marine VHF radio and maintain a radio watch on Channel 14 whilst navigating along the Otago Harbour Shipping Channel.
- 2) Between sunset and sunrise, or in conditions of restricted visibility, all vessels shall contact Harbour Control before entering or transiting along the Otago Harbour Shipping Channel.

The person in charge of all Medium Vessels and Large Vessels must contact Harbour Control before navigating along the Otago Harbour Shipping Channel.

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

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 metres LOA;
- (d) Commercial vessels licenced 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 licenced as a commercial charter vessel to carry up to 12 passengers.

The owner or person in charge of every vessel required to transmit an AIS signal under this Bylaw must ensure that:

- (a) The AIS transmits such information in accordance with the standards and requirements specified by the Harbourmaster and in accordance with the manufacturer's specifications; and
- (b) The AIS operates continuously when the vessel is navigating within Otago Harbour.

28. Moving Prohibited Zone (MPZ)

- No person shall navigate a vessel so as to be within an MPZ without the approval of the Harbourmaster.
- 1) Subclause 28(**Error! Reference source not found.** shall not apply to tugs or pilot vessels while they are carrying out towage or pilotage duties in relation to a vessel for which a MPZ applies.

*Explanatory note: The MPZ is defined to only apply to waters within the Otago Harbour Shipping Channel. Small Vessels may pass a Large Vessel transiting the Otago Harbour Shipping Channel provided that they pass outside the channel. Provided it is safe to do so, bclauses 28(**Error! Reference source not found.** and 28(2) shall not apply where the approval of the Harbourmaster has been obtained for a vessel to be within a MPZ or to pass another vessel in the Otago Harbour Shipping Channel.*

- A Specified MPZ may be declared by the Harbourmaster by Local Notice to Mariners to apply to any vessel for such times and duration as the Harbourmaster considers necessary.

Vessel movements in proximity to ships

- 1) Vessels may come within 200 metres of a berthed tanker showing Flag B when necessary to navigate past provided they maintain the largest separation that can be safely achieved.

Explanatory note: There is insufficient room for vessels using the Otago Harbour Shipping Channel to maintain the minimum 200m separation required under Maritime Rules for tankers berthed at the Dunedin Oil Jetty or LPG terminal.

No vessel shall approach or manoeuvre within 25 metres of a berthed large vessel without the prior permission of the large vessel or the Harbourmaster.

Explanatory note: Being in the vicinity of a Large Vessel will be unsafe at times due to the lack of visibility of vessels in close and due to activities such as cargo loading, release of mooring lines, and operation of the ship's propulsion systems.

29. Fishing in Otago Harbour Shipping Channel

- 1) Drift fishing and trolling using handheld rods or lines, either held in hand or placed in rod holders is permitted in the Otago Harbour Shipping Channel except when an MPZ applies in accordance with clause **Error! Reference source not found.**.. Special restrictions apply in the vicinity of Halfway Islands in accordance with subclause 30(**Error! Reference source not found.**..

- 2) The Halfway Islands Safety Zone is established as a Reserved Area for the area shown in **Error! Reference source not found.** The person in charge of any vessel that is fishing in the Halfway Islands Safety Zone must:
- a) if intending to fish in the Halfway Islands Safety Zone, call Harbour Control on VHF Channel 14 prior to entry into the Zone, and
 - b) call Harbour Control on VHF Channel 14 upon exit from the Halfway Islands Safety Zone, or upon the cessation of fishing activity, and
 - c) maintain a radio watch on VHF Channel 14 while fishing in the Halfway Islands Safety Zone and immediately vacate the channel if:
 - (i) a large vessel approaches the Safety Zone; or
 - (ii) a long blast is given from a ship's whistle; or
 - (iii) the vessel indicates that it requires sea room by means of 5 short blasts on the ship's whistle, or a light signal of 5 rapid flashes, or call via VHF; or
 - (iv) if advised by Harbour Control; or
 - (v) if directed by the Harbourmaster.

30. Commercial Vessels Transiting the Victoria Channel

Non Piloted Medium sized commercial vessels are not to transit the Victoria Channel whilst a large vessel is in transit or about to transit the Victoria Channel inward or outward.

Part 6. Special Provisions for Lake Dunstan Area

Note:

The following access lanes are specified in accordance with Clause 19 for the purpose of landing or launching vessels and landing or launching persons towed by those vessels on water skis or other objects:

No areas currently identified.

The following reserved areas are specified under Clause 19. Notwithstanding the reservation of areas for a particular purpose or type of vessel, the safety of the vessel, toboggan, windsurfer, sailboard and its occupants, or any person being towed, when operating within or in the vicinity of any reserved area is the responsibility of the master of the vessel, toboggan, windsurfer or sailboard.

The following areas are set out on the map of Lake Dunstan in Appendix D

31. Lake Dunstan - Reserved Areas

- 1) All watersports prohibited except use by anglers or waterfowl hunters—

Bendigo Wildlife Area being the area shown as shaded on the map in Appendix D being the area north of a line extending across Lake Dunstan from Rocky Point and marked by black posts with white horizontal bands.

- 2) Areas reserved for swimming and within which no person shall navigate a powered vessel —

Weatherall Creek

Dairy Creek Swimming Area

Sander's Inlet

Bannockburn Inlet (Part)

Lowburn Inlet (Part)

Lowburn Raft

Pisa Moorings

Old Cromwell

Fernbrook area

Deadmans Point to first pier of Bridge (True Right side of lake)

The areas are marked by black posts with white horizontal bands and yellow buoys and are bound by lines extending from the shore as marked by the posts and buoys at the positions denoted on the map in Appendix D

- 3) Areas reserved for wildlife and within which no person shall navigate a powered vessel —

Pisa Moorings

The areas are marked by black posts with white horizontal bands and yellow buoys and are bound by lines extending from the shore as marked by the posts and buoys at the positions denoted on the map in Appendix D

32. Lake Dunstan Area – Special Speed Zones

- 1) For the following areas the speed limits specified in Clause 17.1(a) and Clause 20.1(a) shall not apply, and subject to Clause 31, the following proper speed limits shall apply –
 - Clutha Arm - From Deadmans Bridge to northern point of Pisa Moorings – 5 knots within 50 metres of any vessel, raft or person in the water otherwise no speed limit.
 - Dunstan Arm – 5 knots within 50 metres of any vessel, raft or person in the water otherwise no speed limit.
 -
 - Kawarau Arm – Roaring Meg 5 knots within 50m of any other vessel, raft or person in the water otherwise no speed limit.
- a) From the northern point of Pisa Moorings to the Bendigo Wildlife area 5 knots within 200 metres of shore.
- b) That part of the Lowburn Inlet that does not comprise the area within which no person shall operate a powered vessel as set out in Clause 9.1 – 5 knots.
-
- Bendigo Wildlife Area – 5 knots within the reserve being the area shown as shaded on the map in Schedule 1 being the area north of a line extending across Lake Dunstan from Rocky Point and marked by black posts with white horizontal bands. Notwithstanding the stated speed limit of 5 knots in this area vessels may access the Clutha River via the main river channel at a speed greater than 5 knots subject only to any other provision of this bylaw stipulating a maximum speed.
- c) McNulty Inlet – 5 knots.

These areas are set out on the map of Lake Dunstan in Appendix D

Part 7. Maritime Safety Administrative Matters

33. Written approvals

- 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.
- 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.

34. Offences and penalties

- 1) .

Offences

- 1) Every person commits an offence against this bylaw who contravenes or permits a contravention of this bylaw.

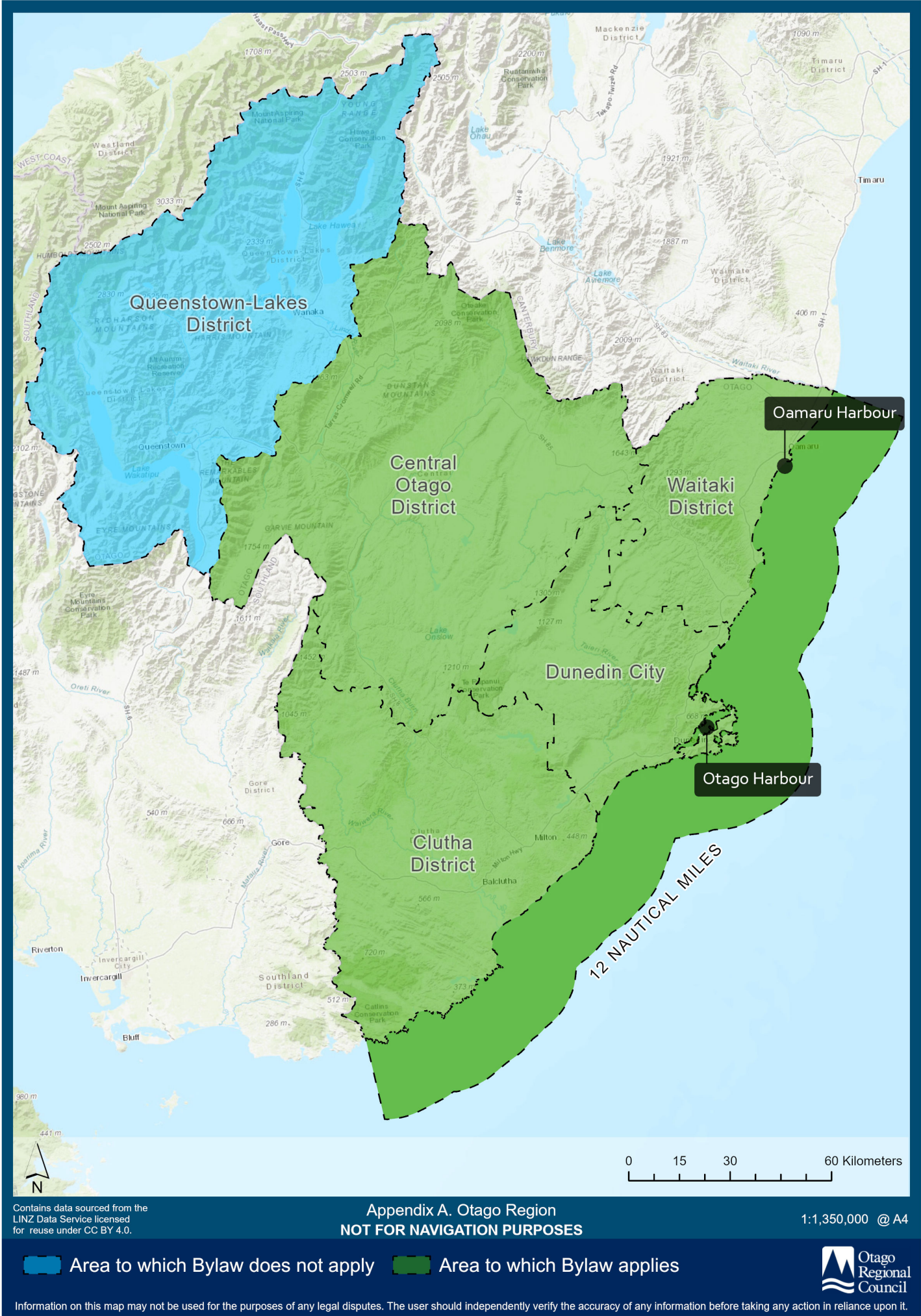
Penalties

- 2) Every person who:

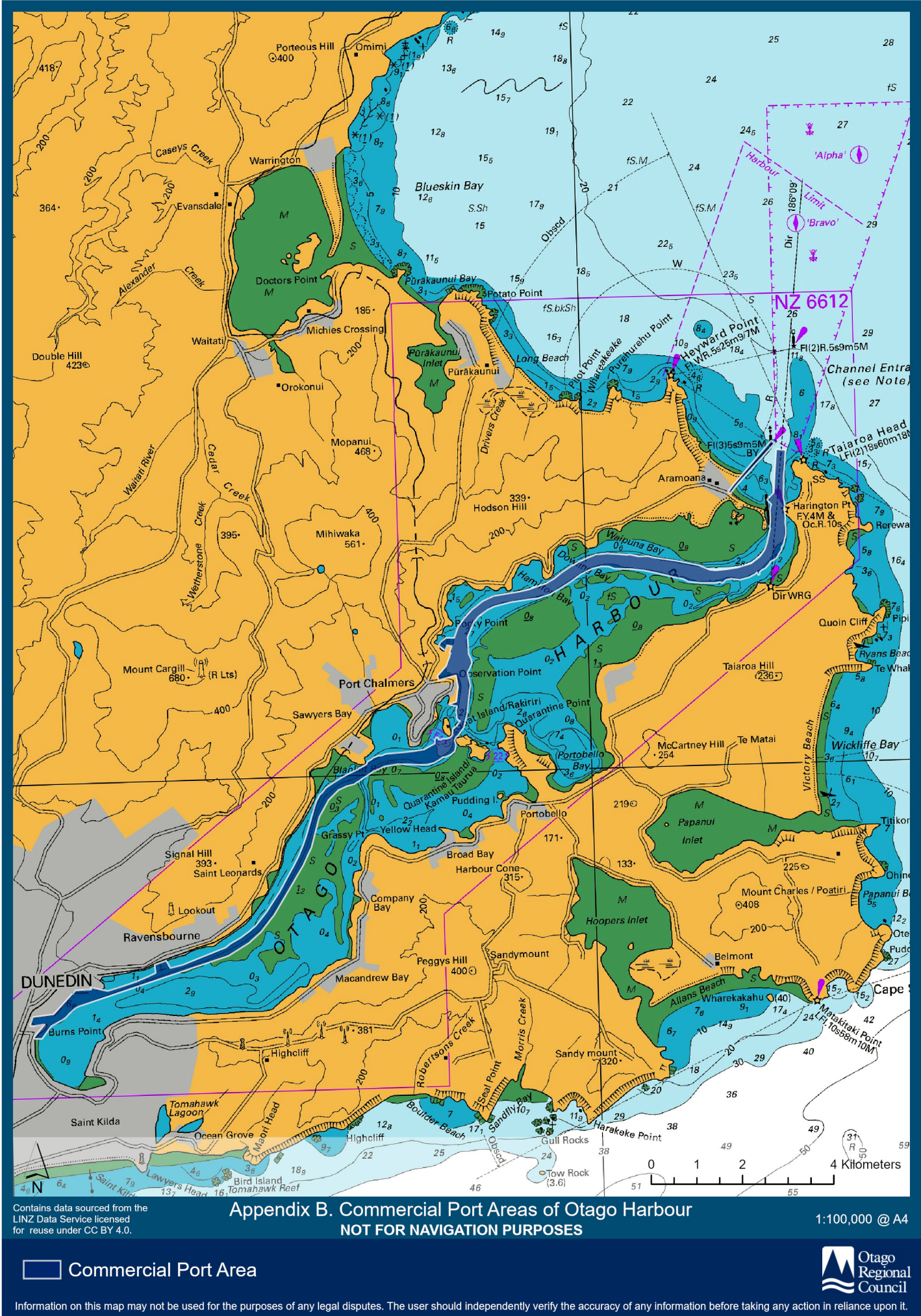
- (a) commits an offence against this bylaw will be liable under the Act;
- (b) commits an infringement offence, set out in any applicable regulations created under the Act is liable to an infringement fee prescribed in the regulations made under the Act.

Part 8. Appendices

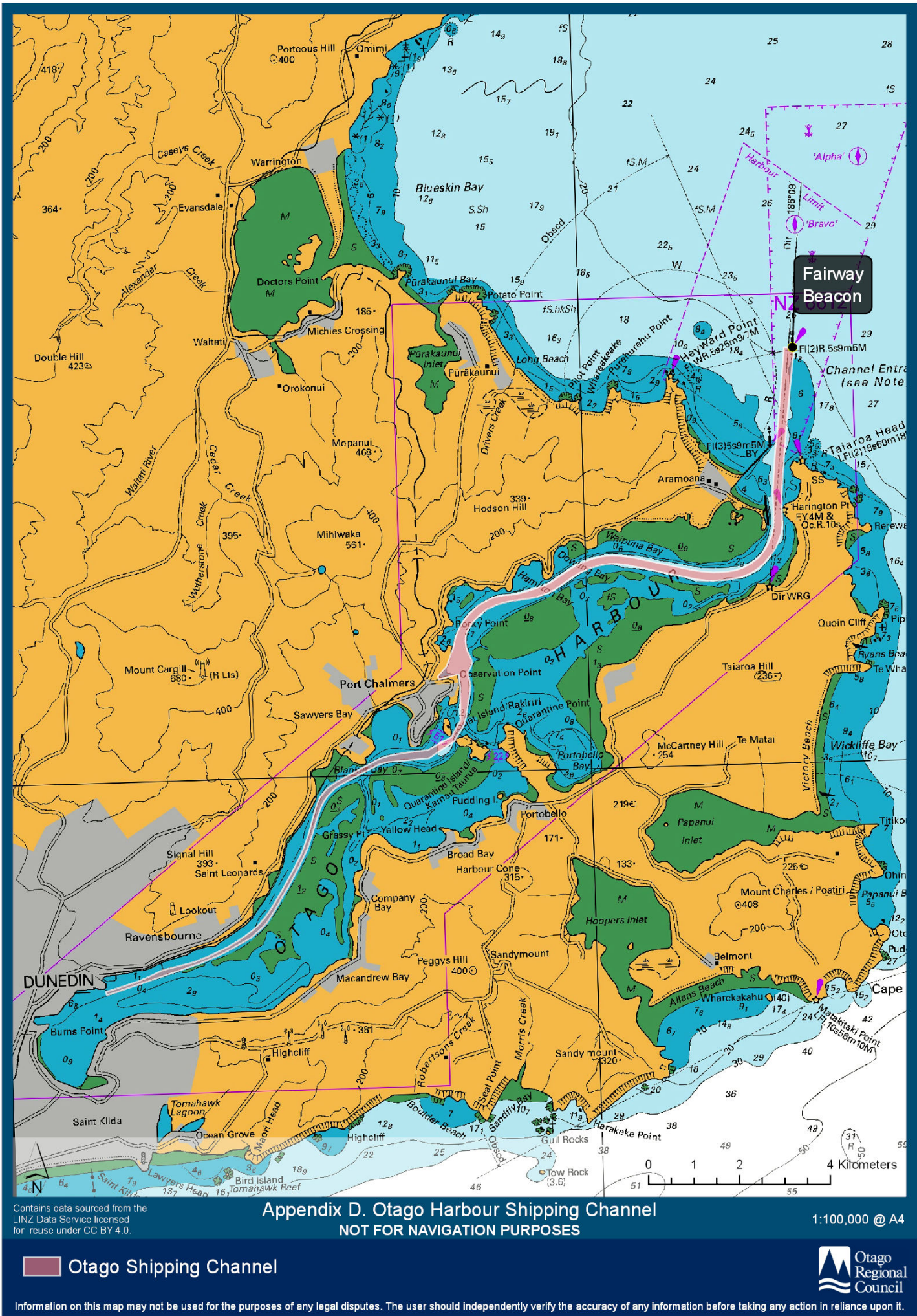
Appendix A. Otago Region



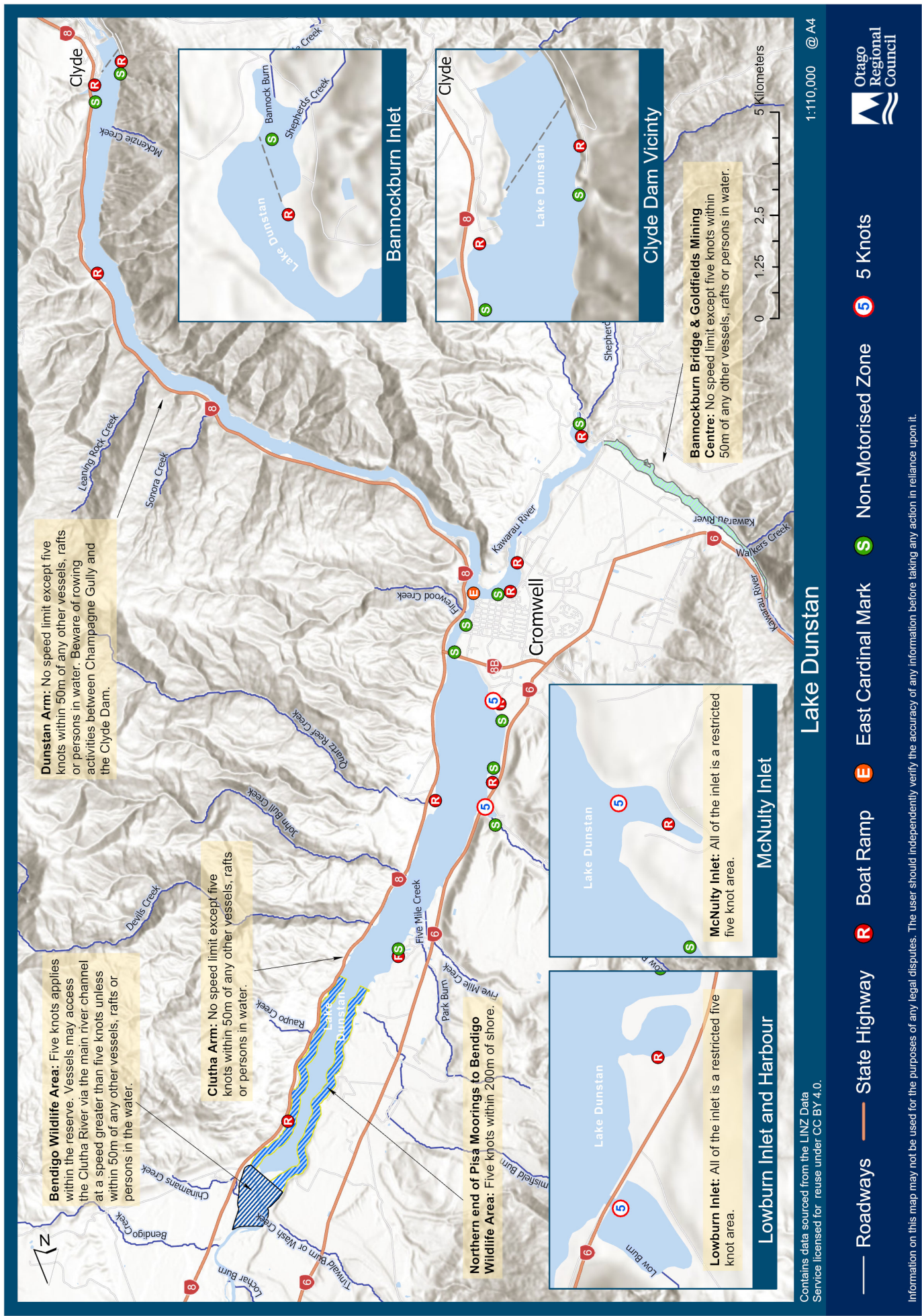
Appendix B. Commercial Port Areas of Otago Harbour



Appendix C. Otago Harbour Shipping Channel

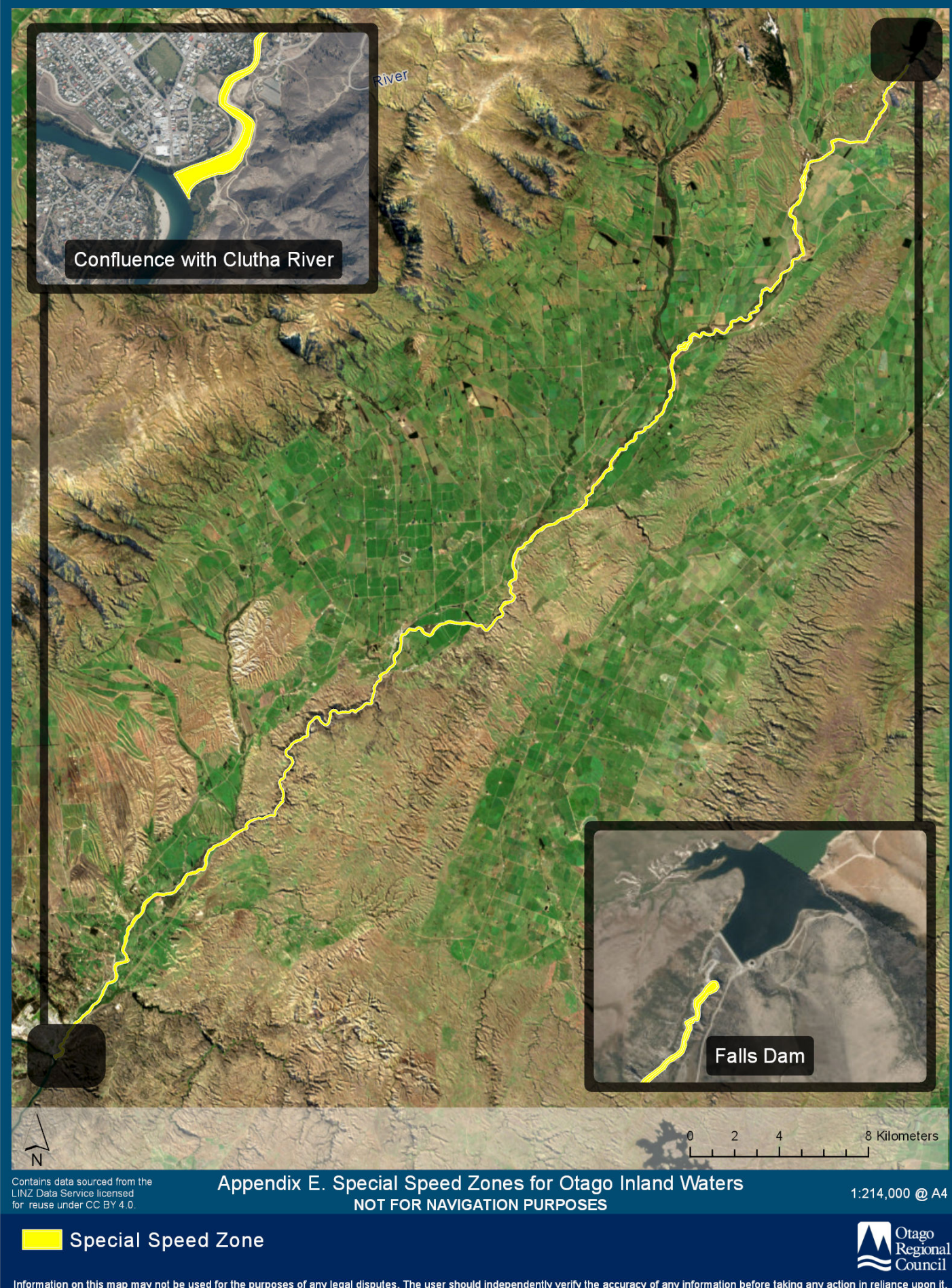


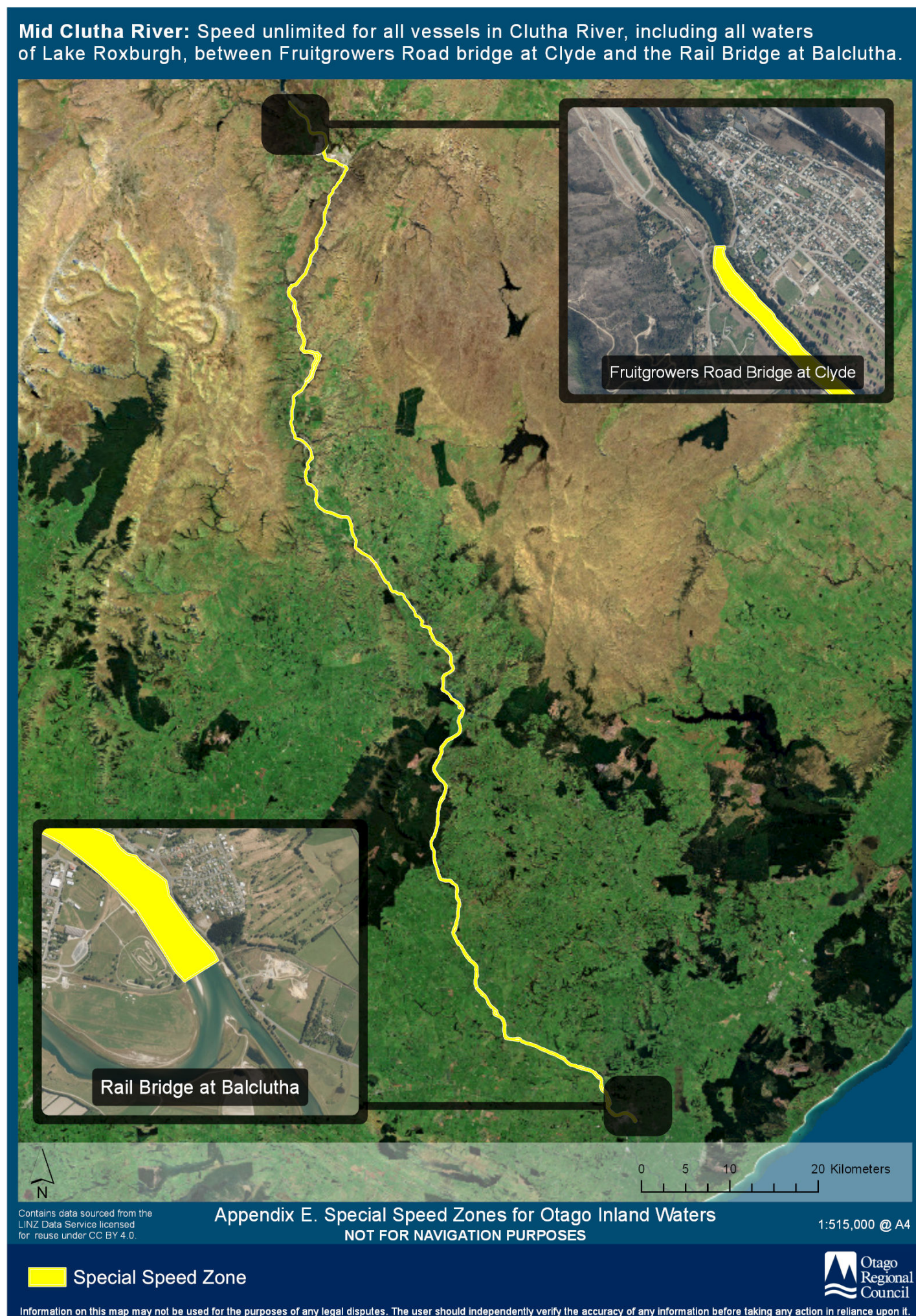
Appendix D Lake Dunstan and Reserved Areas

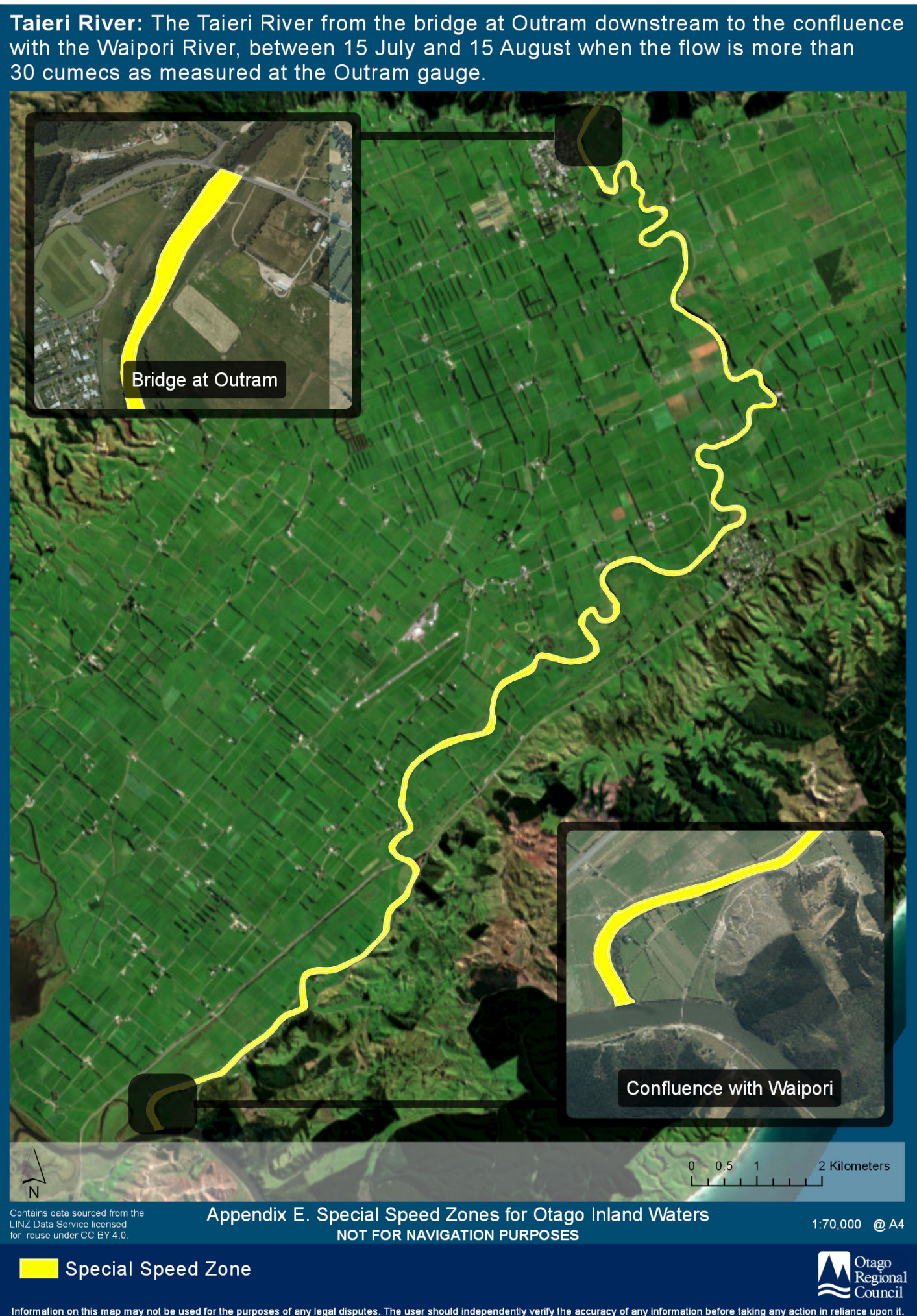


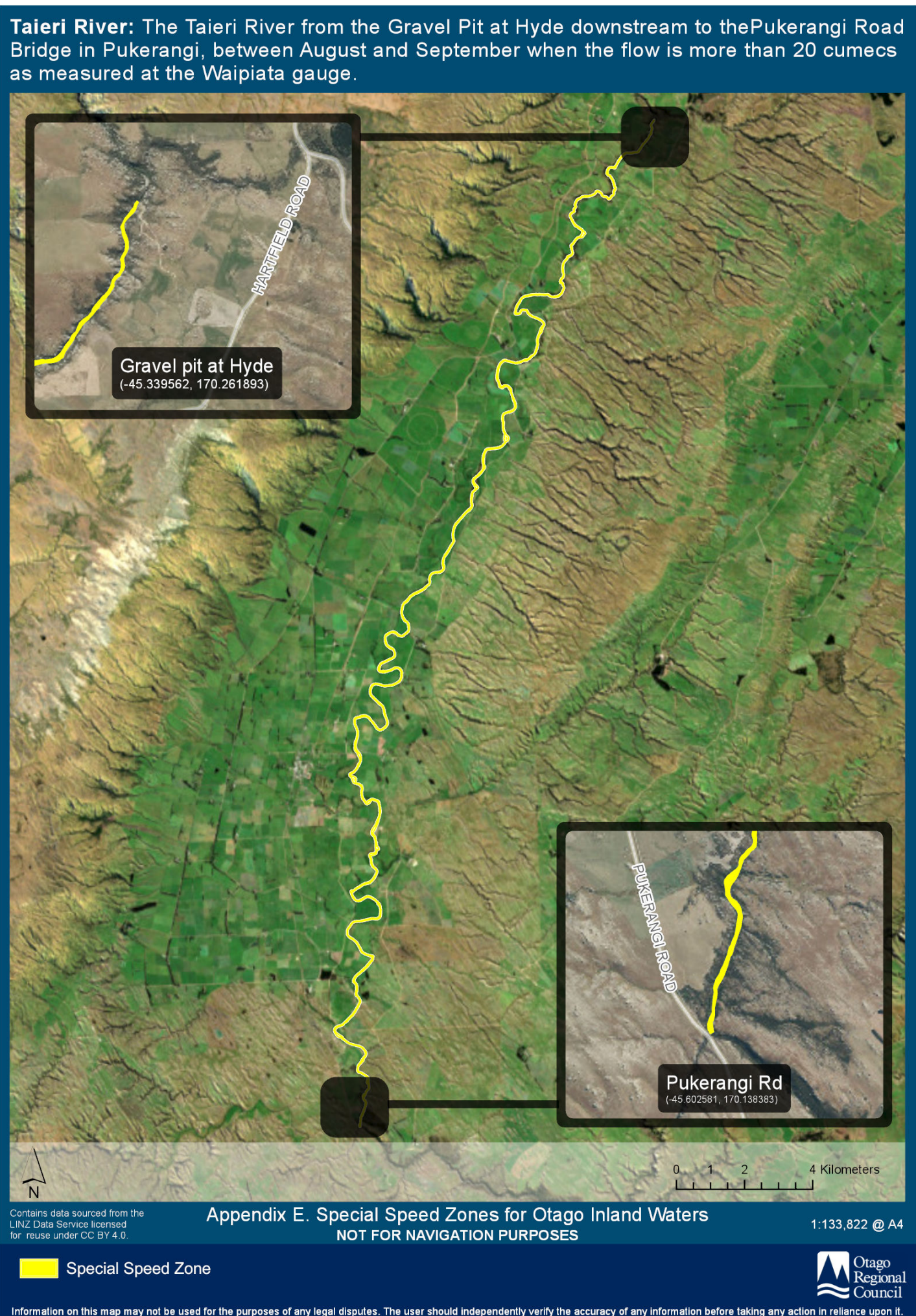
Appendix E Special Speed Zones for Otago Inland Waters

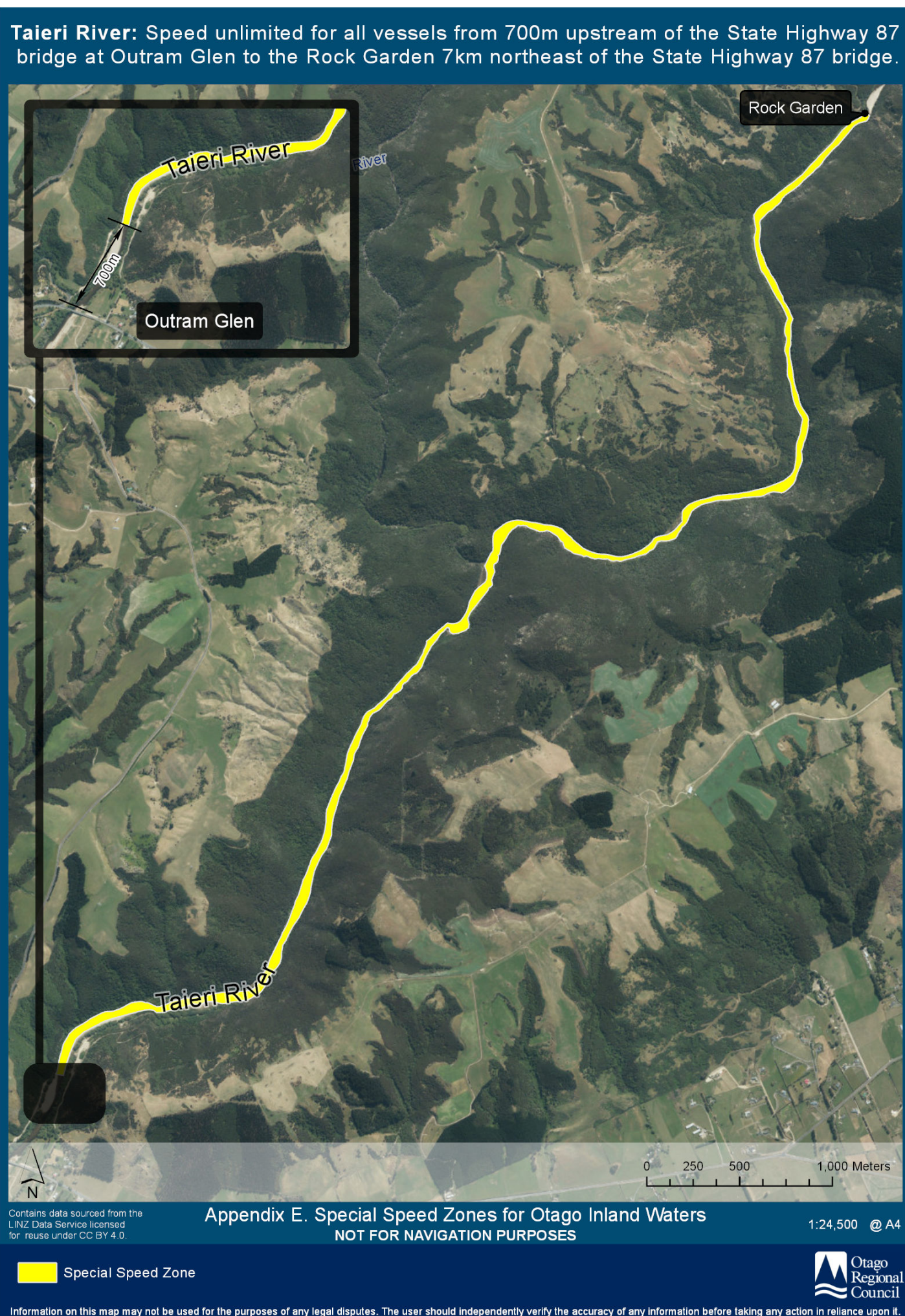
Manuherikia River: The Manuherikia River from the confluence with the Clutha River to the Falls Dam in St Bathans, between August and September when the flow is between 10 cumecs and 45 cumecs as measured at the Ophir gauge.

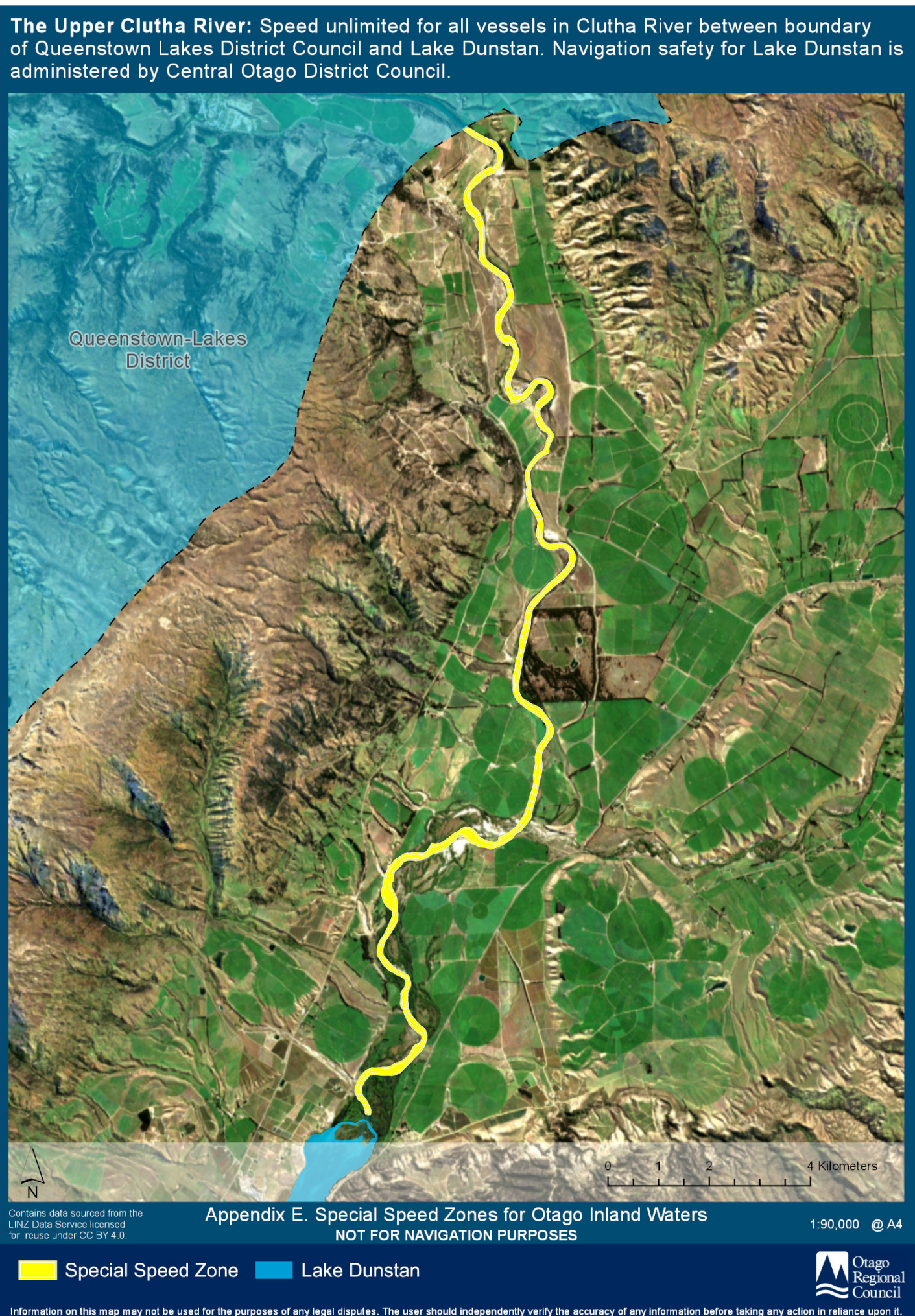


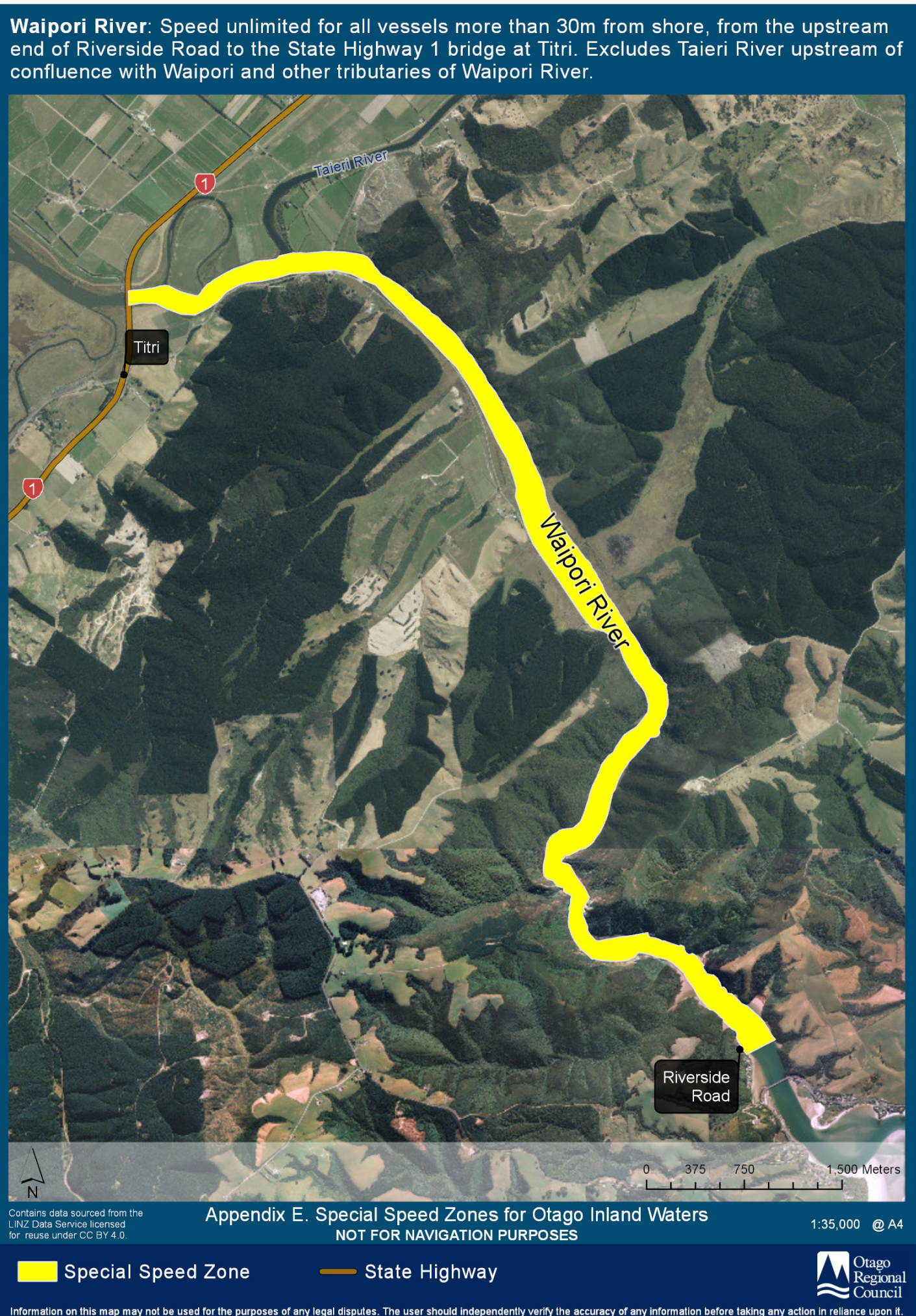






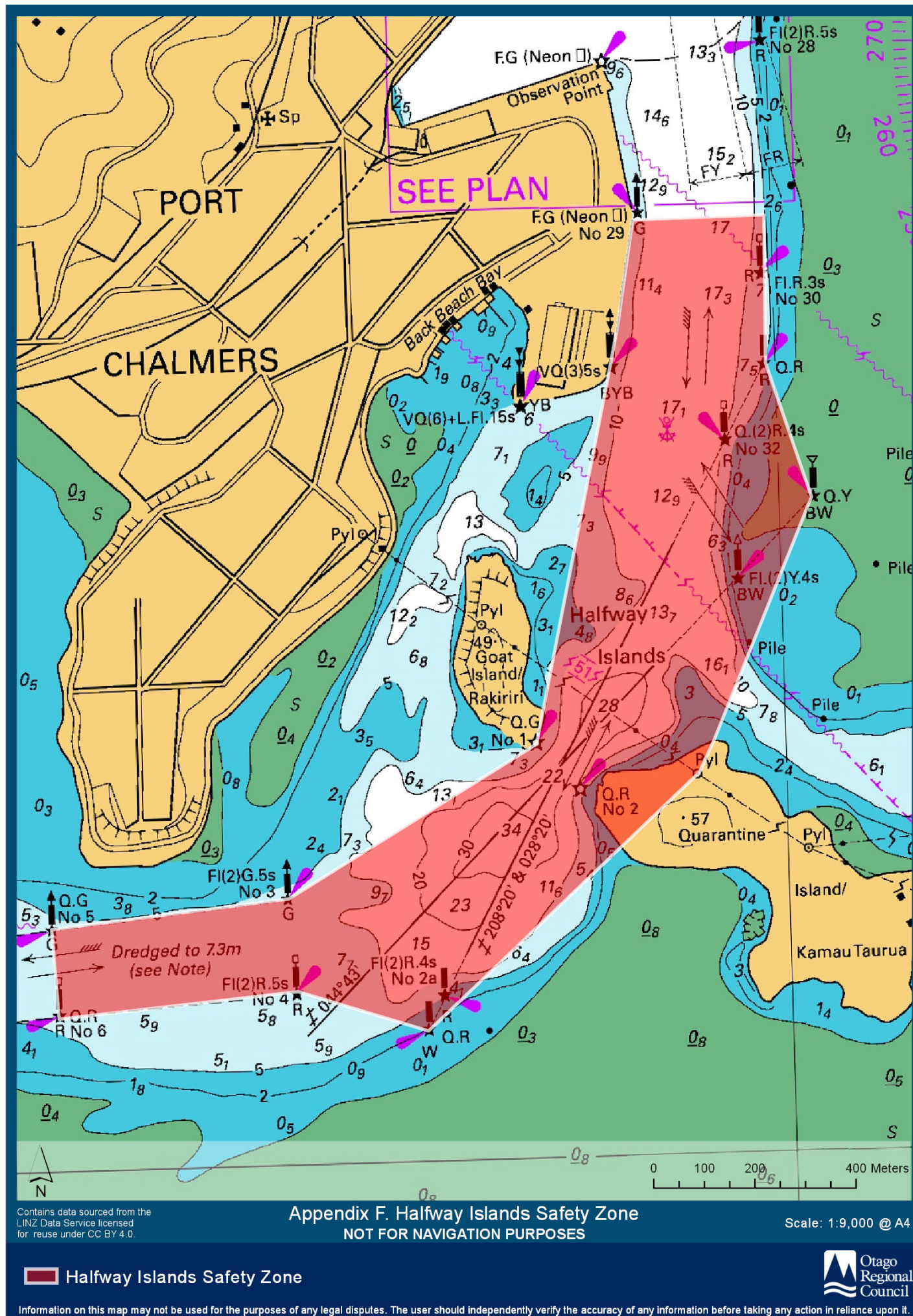




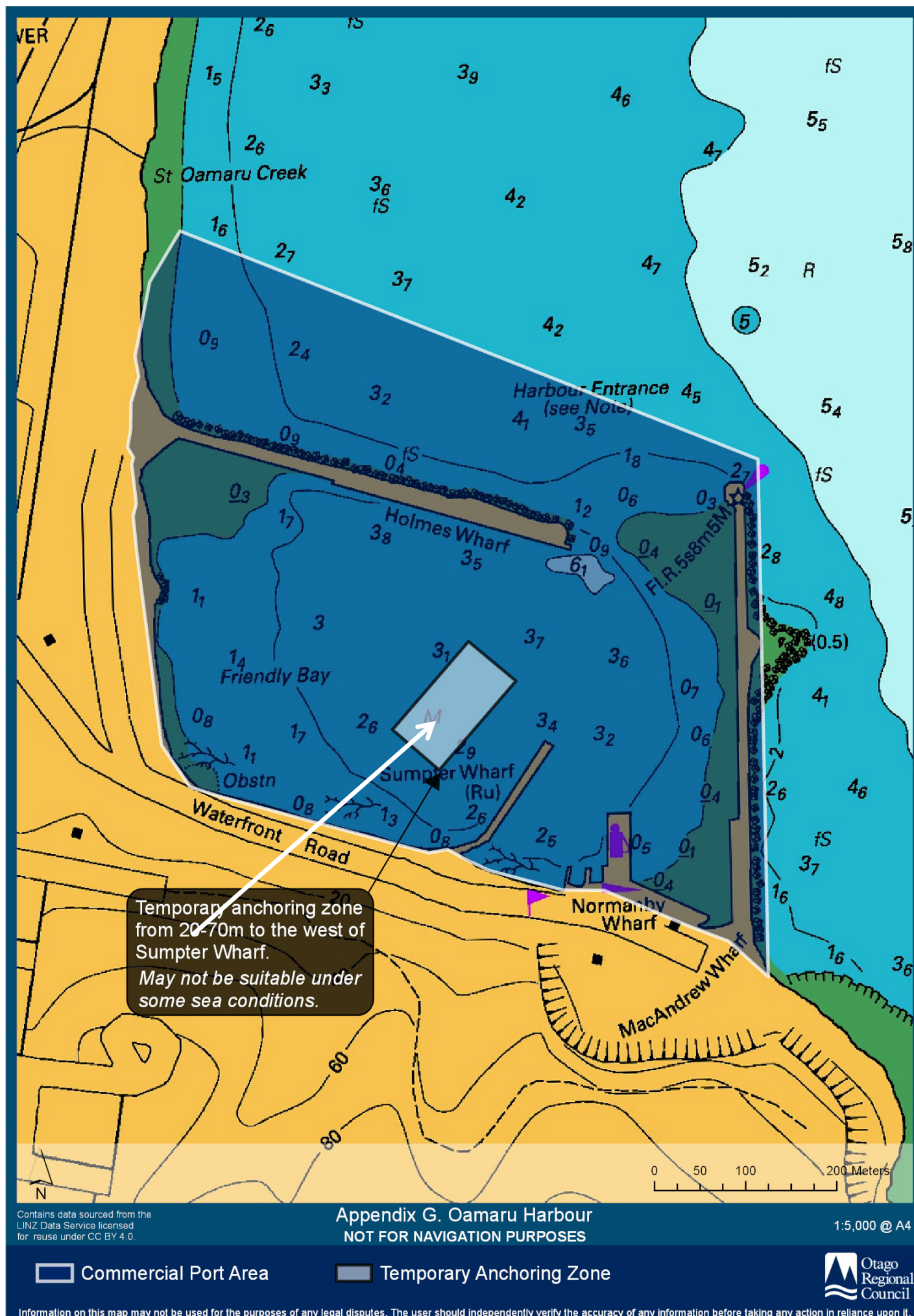


Pukerangi Road Bridge
(-45.602581°, 170.138383°)

Appendix F Halfway Islands Safety Zone



Appendix G Oamaru Harbour



Apenndix H Lake Waihola Reserved Areas and Access Lanes

