



Otago
Regional
Council

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: <https://www.orc.govt.nz/media/gwhnccts/20251126-council-agenda.pdf>

<https://www.orc.govt.nz/media/qg5h4p2k/20251209-council-agenda.pdf>

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: <https://www.orc.govt.nz/your-council/plans-and-strategies/harbourmaster-plans-and-policies/draft-navigation-safety-bylaw/>

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.

¹ As required under s155 of the LGA

- 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.
- 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

12 January 2026 - Public notice of draft bylaw – submissions open

20 February 2026 - Submissions close

March 2026 (date to be confirmed) - 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: <https://www.orc.govt.nz/your-council/plans-and-strategies/harbourmaster-plans-and-policies/draft-navigation-safety-bylaw/>

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 20 February 2026.