

Submissions on Navigation Safety Bylaw (including pre-consultation comments from Maritime NZ)

	Submitter	Submission point	Section	Specific provision	Summary of decision requested	Recommendation	Reason
1.	Rob Bishop	007-1	General comment	N/A	I support the intent of improving safety, but several of the proposed changes introduce new obligations that appear to carry significant operational and enforcement costs. As an individual harbour user, I'm keen to ensure the bylaw is both effective and realistically enforceable, and that the costs associated with these changes are clearly understood before the bylaw is finalized. The draft bylaw expands the scope of navigation controls in several areas — AIS requirements, mooring inspections, Reserved Areas, Special Speed Zones, and incident reporting. These changes may improve safety, but they also imply a substantial increase in monitoring, administration, and enforcement activity by ORC. Before these changes are adopted, I believe it's important that the Council provides clarity on: • How these new responsibilities will be resourced • What the expected operational costs are • Whether ORC currently has the capability to enforce the new rules • How compliance will be monitored in practice Without this information, it's difficult for the public to assess whether the proposed changes are proportionate and achievable.	No change.	The reviewed bylaw will be implemented and delivered within ORC's current Harbourmaster resources and budget. The current bylaw has been operational for five years and the Harbourmaster Team does not anticipate a significant shift in duties and responsibilities. The rationale for the bylaw review is provided in the Proposal Statement, which is available on ORC's website, and a tracked change version of the reviewed bylaw is also available on the website.

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					To help the public understand the impact of the proposed bylaw, I respectfully request: 1. A clear summary of changes from the current bylaw 2. A costed implementation plan 3. Details of expected staffing and enforcement capability 4. A compliance and monitoring strategy 5. Information on cost recovery for mooring owners and commercial operators 6. An assessment of whether the proposed changes are proportionate to the risks they aim to address		
2.	Rob Bishop	007-3	General comment	Harbourmaster powers	The draft gives the Harbour Master broader authority, including: • Restricting or revoking SSZ approvals • Declaring Specified MPZs • Requiring mooring inspections and repairs • Approving or declining special events • Temporarily reserving or suspending areas These are substantial responsibilities. They will require more staff time, more patrols, and more administrative support. I would like to understand: • Whether ORC has assessed the additional workload • Whether more staff or equipment will be required	No change.	These responsibilities are part of the current bylaw and have been a function of the Harbourmaster's role for the past five years. Note – the Harbourmaster does not carry out mooring inspections or repairs, that is the resource consent owner's responsibility.

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					How these costs will be funded		
3.	B Sinclair	008-1	General comment	N/A	Leave the current situation alone, I do NOT support the changes being proposed.	No change.	Comment noted - the rationale for the changes are outlined on the Navigation Bylaw Review webpage.
4.	Simon Blake	010-1	General comment	Whole bylaw	None of this registration is necessary. All of these issues are already catered for or are common sense. This proposed law will severely limit citizens access to the Otago harbour. It is an attack on the rights of boat owners. It will stop kids learning to swim as they can no longer jump off floating docks. It is a bureaucratic power grab by the regional council and the harbour master.	No change.	The Navigation Safety Bylaw has been in place for 5 years. The reviewed bylaw does not impose any greater restrictions to access or the rights of boat owners. The purpose of the bylaw is to ensure the safe use of Otago's waterways.
5.	Waitaki District Council (WDC)	012-1	General comment	N/A	WDC supports the intent of the bylaw review, particularly ORC's goals of: - Improving navigational safety across the region - Ensuring that vessels operate safely through clear rules on lifejackets, speed, anchoring, and safe conduct - Updating the bylaw to reflect current practice and technology.	No change.	Comment noted.
6.	Otago Peninsula Community Board	014-9	General comment	N/A	There is no acknowledgement of Te Rūnaka o Ōtākou as the kaitiaki of the Otago Harbour in the draft bylaw. There is no discussion within the draft bylaw of their role in harbour	No change.	Te Rūnaka o Ōtākou provided input on the current bylaw, which has been operational for five

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					management or the implementation of rahui or other tikanga for the area.		years. The consultation undertaken was public, so Te Rūnaka o Ōtākou had the opportunity to submit.
7.	Otago Peninsula Community Board	014-10	General comment	N/A	All launching sites on the Otago Peninsula require updated signage reflecting the changes in this draft bylaw.	No change.	The Harbourmaster Team regularly reviews and updates signage around Otago's waterways. Following the adoption of the reviewed bylaw, the Team will look at signage and identify any changes required.
8.	Maritime New Zealand (MNZ)	018-13	General comment	N/A	In relation to proper speed we suggest that a consistent approach is applied – e.g. only use 'speed' or only use 'proper speed'. As Part 91 uses 'proper speed' it may be best to simply use that.	Accept.	Amending the bylaw would improve consistency and clarity.
9.	Katherine McNabb	015-3	Part 1 Preliminary provisions	2. Application	There is a need for the Queenstown Lakes District Council to be included in the Otago Regional Council area. For the safety of water users in the area delegation must be removed. The extent of the area and the many commercial vessels, resident recreational craft and significant numbers of visiting craft, need a reliable and careful approach, firstly for education and secondly for enforcement. This is about saving lives. The large number of commercial craft was the driver for the Grant of Control made to the QLDC declaring the area a harbour, NZ Gazette	No change.	Comments noted. ORC is satisfied with the current split of responsibilities between the Queenstown Lakes Harbourmaster and the Otago Harbourmaster.

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					1983, page 2010, which allowed the area to have a Harbour Master and its own bylaws, repealed with the introduction of Maritime Transport Act 1994 Rule Part 91, 21 March 2003. The QLDC area expanded substantially with local body amalgamation to include, Lakes Wanaka, Lake Hawea and rivers, Clutha, Hawea, Hunter, Makarora, Matukituki, and Wilkin. All these waters have commercial operations with the exception of the Hunter. The power to have navigation safety bylaws was subsequently delegated by the ORC in 2004, although the document is neither signed or fully dated it is none the less lawful and was passed by the ORC at a meeting on 1st The current situation is that the QLDC Harbour Master role operates under the authority and oversight of the QLDC. The council is responsible is responsible for the regulation of marine-related activities on its lakes and rivers and for enforcement of the bylaws. There is no mention of the role of the Otago Regional Council except as a paragraph on the title of the QLDC Navigation Safety Bylaw 2025. The existing arrangement is contracted out to a third party, i.e. external provider rather than directly employing a Harbour Master with oversight of the delegation by the ORC. An extraordinary arrangement with no guarantees of quality, qualifications of staff, of service and/or responsibility to the delegation from ORC.		

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10.	MNZ	018-1	Part 1 Preliminary provisions 3. Interpretation	Definition of 'person in charge'	Recommend that this term be defined as it is in Maritime Rules Part 91.	Accept. As per row 17, below.	It is appropriate that the definition aligns with the Maritime Rules.
11.	MNZ	018-14	Part 1 Preliminary provisions 3. Interpretation	Definition of 'sailboard'	This 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 on the board. We would like to understand what "sailboard" captures, is this intended to apply to wing and foiling craft? If so, we recommend that these be named to avoid ambiguity.	Accept. Amend definition as follows. "Sailboard" means any type of board including a windsurfer, or kiteboard, <u>or wing and foiling craft</u> , that is propelled by any type of sail and intended to be navigated by a person on the board.	The proposed amendment clarifies the definition of 'sailboard'.
12.	Otago Peninsula Community Board	014-6	Part 1 Preliminary provisions 3. Interpretation	Definition of 'unseaworthy'	There is no definition of 'unseaworthy'; it appears to be just an arbitrary decision of the Harbour Master or one of his deputies. There appears to be no rules around the decision and no recourse to challenge it.	No change.	The current bylaw definition is: "Unseaworthy" means, in the opinion of the Harbourmaster not being in a fit condition or readiness to navigate safely on the water.

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							The ordinary dictionary definition is: “unseaworthy” (of a boat or ship) not in a good enough condition to sail on the sea. ORC considers the Harbourmaster has the experience and expertise to assess and manage unseaworthy vessels when they become a potential hazard to navigation.
13.	MNZ	018-9	Part 1 Preliminary provisions 3. Interpretation	Definition of ‘unseaworthy’	Basing a seaworthiness standard on the “opinion of the harbourmaster” may create legal difficulties with enforcement. We recommend you seek legal advice on this point.	No change.	As per row 12., ORC considers the Harbourmaster has the experience and expertise to assess and manage unseaworthy vessels when they become a potential hazard to navigation. ORC sought legal advice in respect of MNZ’s comment. The legal advice concluded that the definition would not be invalid or incapable of being enforced. While the legal advice did not consider amendments were necessary to the definition,

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							the advice discussed circumstances that could improve certainty and enforceability but ultimately concluded there would be limited utility in doing so.
14.	Rob Bishop	007-6	Part 2 General Navigation Safety Requirements	5. Notification of maritime accidents, incidents and mishaps	The requirement to report all accidents, incidents, and hazards within 24 hours — including submitting Maritime NZ forms to the Harbour Master — will increase reporting volume significantly. This will require: • A system to receive and track reports • Staff to triage and follow up • Enforcement capability Has ORC assessed the expected increase in workload and the staffing required to manage it?	Accept in part. Replace clause 5(3) as follows. (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. www.maritimenz.govt.nz/commercial/safety/notifications/incident-notification/ <u>(3) Notification of incidents should also be made to Maritime New Zealand</u> [add Web Link]	The Harbourmaster Team already has a database in place to manage incidents and accidents. There is no increase in workload – the change will enable boaties to report incidents more easily via a website. Usually, Maritime NZ will investigate incidents. Enforcement, if required, can be through MNZ or through ORC’s process.
15.	MNZ	018-2	Part 2 General Navigation Safety Requirements	5. Notification of maritime accidents,	We understand why the Council may require information about vessels where they are, or have the potential to become, a navigational hazard. However, it does not appear that all	Amend as per row 14.	The requirement to notify the Harbourmaster Team about incidents is a feature of the current

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				incidents and mishaps	events which fit within the definition of a 'accident, incident or mishap' may be, or may become, a navigational hazard. We suggest that the Council take advice on whether section 33M or 33F of the MTA gives authority to create an incident and accident notification requirement under a bylaw. We would also like to understand what 'other accidents, incidents or mishaps' as noted under clause 5(2) would include. We would like to understand the purpose of this clause, e.g. what this information would be used for and why. Furthermore, we would like to understand what the authority is that the Council would be relying on for the bylaw to be requiring this type of information be provided. Please advise.		bylaw. The information is placed on a database. This information gathered so that Council is able to risk assess navigational safety within Otago's waterways. Without incident information, risk assessment would become difficult to quantify. Maritime NZ does not currently share the incident information they receive.
16.	Tim Vick	006-1	Part 2 General Navigation Safety Requirements 6. Person in charge of the vessel (Deleted)	6.3 (Deleted)	It is disappointing to see the removal rather than the strengthening of the requirement to use a kill cord on a boat where fitted. Rather than removal of this requirement, I would propose that this should be retained and strengthened to state that - all vessels fitted with a kill cord must ensure that when the vessel is travelling in excess of 5 knots - the kill chord shall be used in a manner that should the helm move away from the controls, the engine will automatically be switched off. There are numerous cases in recent history from around the world of serious and life	Accept in part. Reinstate 6. Person in charge of the vessel Retain the original wording, as follows: <u>6. Person in charge of the vessel</u> (1) <u>The person in charge of a vessel is responsible for the safety and wellbeing of every</u>	The proposed amendment reinstates the requirement for a kill cord, and the original wording is preferred to ensure a kill cord is used at all times.

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					changing or ending injuries being caused due to not wearing the engines kill cord, examples provided [in the submission].	<u>person on board and for the safe operation of the vessel.</u> (2) <u>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.</u> (3) <u>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.</u>	
17.	MNZ	018-3	Part 2 General Navigation Safety Requirements 6. Wearing of personal floatation devices on vessels	6(2) 'person in charge'	'Person in charge' is not a defined term. This is a defined term under Part 91. Furthermore, under the MTA it is the Master who is responsible for the safe operation of the vessel and compliance with the Act, regulations and rules (ref s19). We consider that without being defined there is a risk that this term may be interpreted inconsistently with the MTA. For consistency with Part 91, and to avoid conflict with the MTA we recommend defining this term, as 'means the master'.	Accept. Insert a definition of 'person in charge' as follows: "Person in charge of the vessel" means the master.	The proposed change will ensure consistency between the legislation and the reviewed bylaw.
18.	Tim Vick	006-2	Part 2 General Navigation Safety Requirements	6(4) (clean version) 6.2 (tracked version)	Clause 6 – Wearing of personal flotation devices on vessels, is unclear. Clause 6(4) [clean version] 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	Accept in part. Further edits are made to the recommended wording to simplify the provision further.	The proposed change aligns the wording with the maritime rules.

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			6. Wearing of personal floatation devices on vessels		the safety system of a national sporting organisation approved by the Director of Maritime New Zealand pursuant to part 91 of the Maritime Rules. I believe it is trying to say that “clause 6 does not apply to a person training or participation in a sporting event or any trick water skiing/wakeboarding event that is supervised in accordance with a safety system of a national sporting organisation approved by the Director of Maritime New Zealand pursuant to part 91 of the Maritime Rules.”		
19.	Otago Peninsula Community Board	014-1	Part 2 General Navigation Safety Requirements	6. Wearing of personal floatation devices on vessels	The Board supports clause 6 regarding mandatory use of life jackets for vessels under 6 metres.	No change.	Comment noted.
20.	Katherine McNabb	015-2	Part 2 General Navigation Safety Requirements	6. Wearing of personal floatation devices on vessels	Seven different life jacket rules in New Zealand, again the issue of inconsistency and compliance. The national rule sees MTA 1994 Rule Part 91, Operating Requirements 91.4 Neither of the rules below comply with the national rule. While I support the 6 metre and under rule, these rules they are inconsistent with the national rule. Inconsistent too, in that one refers to life jackets and the other personal flotation devices There seems to have been no oversight of the delegation from ORC to the QLDC during the bylaw process.	No change.	The national rule only requires personal floatation devices to be carried in an accessible location. Maritime Rule 91.4 : Operating requirements 91.4 Personal flotation devices (1) No person in charge of a recreational craft may use it unless there are on board at the time of use, and in a readily accessible location,

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					ORC <i>6. Wearing of personal flotation devices on vessels (1) 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.</i> QLDC <i>21.3 Every person in charge of a recreational vessel 6 metres or less in length must ensure that while the recreational vessel is making way, each person wear a properly secured lifejacket of an appropriate size that securely fits the person</i>		sufficient personal flotation devices of an appropriate size for each person on board. ORC considers that the compulsory wearing of a personal flotation device has a huge safety impact and a better chance of saving lives.
21.	MNZ	018-10	Part 2 General Navigation Safety Requirements	6. Wearing of personal flotation devices on vessels	Maritime Rule 91.4 provides exemptions to when PFDs must be worn in times of heightened risk (Maritime Rule 91.4(6)), as under Maritime Rule 91.4(2) and Maritime Rule 91.4(5). We suggest reflecting those exceptions to wearing PFDs in times of heightened risk under Part 91 in this provision for consistency.	Accept. Add the exemptions to the clause.	The proposed change will ensure consistency between the legislation and the reviewed bylaw.
22.	Otago Peninsula Community Board	014-2	Part 2 General Navigation Safety Requirements	7. Minimum age for operating power-driven vessels	Clause 7 in relation to ages of operators of vessels capable of exceeding 10 knots needs clarification and distinction between wind powered and mechanical powered vessels. Experience has shown that foiling boats are capable of higher speeds based on new technology and these are part of the development of the yacht racing community's activities.	No change.	The wording is consistent with the national maritime rules.

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					There is a significant difference between their use in racing or recreationally and mechanically powered boats. This aspect of the draft bylaw concerns our yachting fraternity.		
23.	MNZ	018-11	Part 2 General Navigation Safety Requirements	7. Minimum age for operating power-driven vessels	Clause 7(3) refers to approvals being provided by the Harbourmaster. However, it appears the authority for this power comes from Maritime Rule 91.5(3), which provides this power to the regional council. For consistency with Part 91 we recommend clause 10(3) be amended to reference the regional council not the Harbourmaster. Note this power may still be exercised by the Harbourmaster where delegated. We also recommend referencing the exception where an exemption is provided by the Director, as under Maritime Rule 91.5(4).	Accept. Change 'Harbourmaster' to 'Regional Council' and update the reference.	The proposed change will ensure consistency between the legislation and the reviewed bylaw.
24.	Otago Fish and Game Council	011-1	Part 2 General Navigation Safety Requirements	8. Navigation on rivers	Fish and Game supports the retention of the general speed limit of 5 knots on rivers via the Navigation on rivers provisions, to protect the environment and other river users. Boats travelling at speed on many river reaches in Otago can pose a safety issue to anglers and hunters, as well as disturb the peacefulness of the surrounds. Where speed uplifts are appropriate, they can be identified and added into Appendix E.	No change.	Support noted.
25.	Francois Lambrechts	003(B)-1	Part 2 General Navigation	9. Fishing or swimming or	As currently drafted, clause 9(1)(a) could be interpreted by some users as a general prohibition on swimming from, or within 50 metres of, a landing place. My understanding,	Accept in part. The additional explanatory note is not required.	The proposed change clarifies the intent of clause 9(1)(a).

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			Safety Requirements	diving around landing places	however, is that the clause is intended to prohibit swimming only where it interferes with the berthing, launching, retrieval, or departure of vessels — not to ban swimming outright in these areas. This distinction is important in areas such as Macandrew Bay, where boat ramps are located in mixed-use coastal waters that are regularly and lawfully used by swimmers, paddleboarders, and other low-profile water users. Swimmers are legally present in many areas of Otago Harbour, including near landing places when they are not interfering with vessel movements. Vessel operators should therefore continue to navigate with due care, maintain a proper lookout, and operate at safe speeds appropriate to areas where swimmers may reasonably be expected to be present. It is important that vessels cannot assume that the absence of a reserved swimming area means there will be no swimmers in the water. To support clarity and shared understanding, I respectfully propose the following clarification be added to the bylaw: Proposed clarification – Swimming near landing places (1) For the avoidance of doubt, nothing in clause 9 prohibits swimming from, or within 50 metres of, a landing place, provided that such swimming does not interfere with the	Add wording as follows: <u>9A. Swimming near landing places</u> <u>(1) For the avoidance of doubt, nothing in clause 9 prohibits swimming from, or within 50 metres of, a landing place, provided that such swimming does not interfere with the berthing, launching, retrieval, or departure of any vessel.</u> <u>(2) A person swimming in the vicinity of a landing place must take all reasonable steps to avoid obstructing vessels that are manoeuvring to or from that landing place.</u> <u>(3) The person in charge of a vessel remains responsible for navigating with due care and at a safe speed in areas where swimmers may reasonably be expected to be present, including in the vicinity of landing places.</u> <u>An accompanying explanatory note could further assist public understanding, for example:</u>	

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					berthing, launching, retrieval, or departure of any vessel. (2) A person swimming in the vicinity of a landing place must take all reasonable steps to avoid obstructing vessels that are manoeuvring to or from that landing place. (3) The person in charge of a vessel remains responsible for navigating with due care and at a safe speed in areas where swimmers may reasonably be expected to be present, including in the vicinity of landing places. An accompanying explanatory note could further assist public understanding, for example: Explanatory note: This clause clarifies that recreational swimming near landing places is not prohibited in itself, but must not interfere with vessel movements. It also reinforces shared responsibility between swimmers and vessel operators in areas of mixed use. I believe this clarification would reduce confusion, support safe shared use of the harbour, and align well with the intent of the bylaw and existing maritime rules.		
26.	Otago Peninsula Community Board	014-3	Part 2 General Navigation Safety Requirements	9. Fishing or swimming or diving around landing places	The Board understands the safety concerns raised in clause 9 regarding fishing and swimming activities when vessels are berthing or departing from public jetties or wharves.	Accept. Proposed wording in row 25.	The proposed change clarifies the intent of clause 9(1)(a).

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					It needs to be made clear to the public that this is not a prohibition of use for those activities, but rather a safety measure while boats are docking or departing. Jetties and wharves are important recreational facilities in the Otago Peninsula and are largely managed by the Dunedin City Council for public access and enjoyment.		
27.	MNZ	018-15	Part 2 General Navigation Safety Requirements	9. Fishing or swimming or diving around landing places	Clause 9(2) refers to a “marine facility owner”. Query if this should be “owner” per defined term in relation to the “landing place”, or something else. For example, could it be council or port. Minor edit to clarify.	Accept. Amend as follows: Subclause 9(1) does not apply to activities conducted by, on behalf of, or approved by a marine facility <u>the owner</u> within the relevant Commercial Port Area.	The proposed change clarifies the meaning of clause 9(2).
28.	MNZ	018-4	Part 2 General Navigation Safety Requirements	12. Vessels to be identified	Section 33M(1)(j) of the MTA only allows bylaws that “require the marking and identification of personal water craft” rather than “vessels”. We recommend that you seek legal advice on whether this clause is within the scope of the bylaw making power in section 33M of the MTA and that the marking requirements do not conflict with other legislation.	No change.	ORC sought legal advice in respect of clause 12. The advice concluded that clause 12 as proposed is within the scope of the Council’s bylaw making powers, provided it is for the purpose of ensuring maritime safety.
29.	MNZ	018-5	Part 2 General Navigation Safety Requirements	13. Navigational aids	Unless acting under a delegation from the Director of powers under section 200 of the MTA, a Harbourmaster does not have authority to be approving or giving permission for the	Accept. Remove explanatory note.	The proposed deletion will clarify clause 13. The current wording of the

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					installation of Aids to Navigation (AtoNs). The way that this provision is written appears to suggest that all AtoNs must be approved by the Harbourmaster, which is not strictly true. We recommend amending this clause to clarify when approval from the Harbourmaster is required – e.g. in those circumstances where the Harbourmaster has been delegated the power to approve AtoNs. Approval by the Harbourmaster is not required in all cases, e.g. in many cases a person will instead be seeking approval from the Director, and although as part of the process the applicant is requested to receive the Harbourmasters sign off, this is not a legal requirement. We recommend that the explanatory note is either removed or amended to more clearly set out this process, and why in practice approval may be requested from both the Harbourmaster and the Director.	Explanatory note: Approval from the Director of Maritime New Zealand may be required as well.	clause is simple and uncomplicated. Further detail about when the Harbourmaster can give written approval is not required for the purposes of the reviewed bylaw.
30.	Francois Lambrechts	003(A)-1	Part 3 Speed Limits, Reserved Areas and Access Lanes	14. Special Speed Zone	My understanding is that, unless a specific speed uplift or Special Speed Zone is provided for in a bylaw, Maritime Rule Part 91 applies. This means vessels must not exceed 5 knots within 200 metres of the shore or any structure, and within 50 metres of a person in the water. In the Company Bay and Macandrew Bay area, the navigable channel does not extend much more than approximately 200 metres offshore at any point. As a result, vessels in this area should generally remain at or below 5 knots at all times. However, in practice, vessels	Accept. Develop maps for the Appendix with clear navigation safety information for the eastern channel of Otago Harbour.	The proposed change will provide better education about the speed requirements through the eastern channel of Otago Harbour.

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					frequently travel well in excess of 5 knots through this section of the harbour. There are also 5-knot marker buoys in Macandrew Bay, and I am concerned that some boat users may interpret these markers to mean that once they have passed them, higher speeds are permitted. In this particular area, that interpretation would be incorrect under the default maritime rules, as vessels are still within 200 metres of shore. Given the popularity of this area with swimmers, paddleboarders, and other low-profile water users, I am concerned that the current ambiguity creates a real risk of a serious incident in the future. I respectfully suggest that the final bylaw, supporting maps, or signage could be strengthened to make the applicable speed limits in this area clearer and more explicit. This could include clarifying that no speed uplift applies in the Company Bay / Macandrew Bay secondary channel unless specifically stated, or improving signage and education to reinforce the 200-metre rule.		
31.	Otago Fish and Game Council	011-3	Part 3 Speed Limits, Reserved Areas and Access Lanes	14. Special Speed Zone	Fish and Game has been approached by the Otago Jet Boat Association about a number of speed uplifts that they intend to propose through this bylaw review. Having reviewed the proposals, Fish and Game offers no objection should they be put forward. This is because they are targeting rivers during high	Accept.	The proposed changes will provide enhanced and longer access for jet boaters to specific rivers during high flows.

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					flows when anglers are unlikely to be present and the environmental impact is lessened. The speed uplifts which were proposed to Fish and Game are as follows: a. Manuherikia River i. Current uplifting: August/September when flow at Ophir gauge is between 10–45 cumecs ii. Agreed: Add July to current parameters and October to March if above 20 cumecs b. Upper Taieri i. Location: Pukerangi Road Bridge to Hyde Gravel Pit ii. Current uplifting: August/September, flow above 20 cumecs at Waipiata gauge iii. Agreed: Add October, November, and December to current uplifting period c. Lower Taieri i. Location: Confluence of Waipori River to Outram ii. Current: 15 July to 15 August, flow >30 cumecs at Outram gauge iii. Agreed: Closed April/May and September/October; open the rest of the year with flow above 20 cumecs d. Lindis River i. Current: Closed ii. Agreed: Open July, August, and September when above 20 cumec		

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32.	Rob Bishop	007-5	Part 3 Speed Limits, Reserved Areas and Access Lanes Part 5 Special Provisions on Activities in Otago Harbour	14. Special Speed Zone and 15. Reserved Areas and Access Lanes 23. Fishing in Otago Harbour Shipping Channel (tracked version) 25. Fishing in Otago Harbour Shipping Channel (clean version)	The draft introduces or expands several zones, including: • Special Speed Zones • Reserved Areas • The Halfway Islands Safety Zone These zones will require: • New signage and markers • Public education • Ongoing patrols • Monitoring and enforcement I would like to see the cost estimates for implementing and maintaining these zones.	No change.	These provisions are in the current bylaw, they are not new. They have been in place for a number of years. All of the signage and markers are already in place and are checked and updated as appropriate. This is business as usual for the Harbourmaster Team and will continue to be delivered within existing budgets.
33.	North Otago Yacht & Power Boat Club Inc	013A-1	Part 3 Speed Limits, Reserved Areas and Access Lanes	14. Special Speed Zone	All Boats should not exceed 5 knots within the whole Oamaru harbour area at any time. Reason: It is important that no boat exceeds 5 knots within the harbour area given the confined space within the Harbour the number of boats moored reduced the area and visibility and the number of different users (Rowing, Sailing, Kayaking, Swimming etc) who use the harbour area at any time during the day. It is important that the harbour is available for use	No change.	The bylaw currently states that boats should not exceed 5 knots within 200m of shore. This applies to Oamaru Harbour. There is signage around the harbour stating this restriction.

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					by all the different users and that their safety is always considered.		
34.	Otago Peninsula Community Board	014-4	Part 3 Speed Limits, Reserved Areas and Access Lanes	14. Special Speed Zone	In clause 14 relating to appendix d of the draft referring to special speed zones the Board notes that there is no map of the 5 knot areas around our main harbour sites at Macandrew Bay, Broad Bay and Portobello. These areas and its associated speed restrictions (currently marked by buoys) should be included in the draft for clarity.	Accept. Add a map into the appendix illustrates the speed limits around Otago Harbour.	The proposed change will enhance people's knowledge about speed limits on the eastern side of the Harbour.
35.	Otago Peninsula Community Board	014-7	Part 3 Speed Limits, Reserved Areas and Access Lanes	14. Special Speed Zone	Yacht clubs and recreational users are powerless to enforce the 5 knot speed restrictions in Macandrew Bay, Broad Bay and Portobello.	No change.	Enforcing speed restriction is one of the roles and responsibilities of the Harbourmaster Team. This power cannot be delegated.
36.	Katherine McNabb	015-1	Part 3 Speed Limits, Reserved Areas and Access Lanes	14. Special Speed Zone	Inconsistency leads to poor compliance. Confusing and imagine if we had different road signage with regional variations around the country. Stop signs green in Auckland and red in other areas. Seven different life jacket rules have made compliance confusing. Since 1973, when navigation safety regulations were applied to inland waters it became necessary to uplift the regulations, below, in order for craft to navigate rivers lawfully. The suspension of these regulations was known as an 'uplifting'. The section of the Maritime Transport Act 1994 Rule Part 91	No change.	The current bylaw uses the term 'special speed zone', and these are mapped in the Appendix.

	Submitter	Submission point	Section	Specific provision	Summary of decision requested	Recommendation	Reason
					MTA 1994 Rule Part 91 Speed of vessels (1) No person may, without reasonable excuse, propel or navigate a vessel (including a vessel towing a person or an object) at a proper 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 The national rule and model by law uplifting the speed of vessels, as above, gets a parliamentary gazette notice detailing that the following river or rivers is/are uplifted. This allows for vessels to operate in rivers in particular, and also water ski lanes The clause in the ORC draft bylaws that allows vessels on rivers to travel over 5 knots, is called a Special Speed Zone, terminology not used in any other area of the country. ORC draft <i>8. Navigation on rivers</i> <i>(d) Not exceed a speed of 5 knots on any river unless in an area designated as an SSZ or reserved area or access lane</i> And then you get to QLDC the delegated area which has the following QLDC <i>Uplifting, means a lifting of, or change to, speed limits in this bylaw</i>		

	Submitter	Submission point	Section	Specific provision	Summary of decision requested	Recommendation	Reason
37.	Jet Boating New Zealand	016-1	Part 3 Speed Limits, Reserved Areas and Access Lanes	14. Special Speed Zone	JBNZ seeks to amend the circumstances for activities within the existing Special Speed Zones as follows a. <u>Speed unlimited for the</u> Manuherekia River from the confluence with the Clutha River to the Falls Dam in St Bathans, between <u>July August and to</u> September inclusive when the flow is between 10 cumecs and 45 cumecs as measured at the Ophir gauge. <u>In addition, October to the following March inclusive when the flow exceeds 20 cumecs measured at the Ophir gauge.</u> b. <u>Speed unlimited for the</u> Taieri River from the Gravel Pit at Hyde downstream to the Pukerangi Road Bridge in Pukerangi, between <u>August and September to December inclusive</u> when the flow is more than 20 cumecs as measured at the Waipata <u>Tiroiti</u> gauge. c. <u>Speed unlimited for the</u> Taieri River from the bridge at Outram downstream to the confluence with Waipori River, between <u>15 July and 15 August when June to August inclusive and November to the following March inclusive</u> when the flow is more than 30 <u>20</u> cumecs as measured at the Outram gauge.	Accept.	The proposed changes will provide enhanced and longer access for jet boaters to specific rivers during high flows.
38.	Jet Boating New Zealand	016-2	Part 3 Speed Limits, Reserved Areas and Access Lanes	14. Special Speed Zone	JBNZ also seeks an additional Special Speed Zone and qualified circumstances for unrestricted vessel speeds as follows. <u>d. Speed unlimited for the Lindis River from the confluence with the Clutha River upstream,</u>	Accept.	The proposed changes will provide enhanced and longer access for jet boaters to specific rivers during high flows.

	Submitter	Submission point	Section	Specific provision	Summary of decision requested	Recommendation	Reason
					<u>between July to September inclusive when the flow is more than 20 cumecs as measured at the Ardgour Road gauge.</u>		
39.	MNZ	018-6	Part 3 Speed Limits, Reserved Areas and Access Lanes	14. Special Speed Zone	‘Controls’ as referred to in clause 14(2) is not defined, and it is not clear what this might include. Clause 14(3) appears to provide the Harbourmaster powers in effect remove/un-do privileges provided under an SSZ. We would like to understand what the purpose of clause 14(3) is, e.g. in what circumstances would you envisage this provision being used? Furthermore, we would like to understand what authority you consider supports the inclusion of this power under section 33F of the MTA or Maritime Rules Part 91.	Accept. Amend 14(2) as follows: (2) An approval to use an SSZ identified in any controls specified by the Harbourmaster under this Bylaw, is approved for all persons from the date of commencement of the Bylaw for the period in which the Bylaw remains in force except where approval is restricted or revoked under either subclause 14(3) or subclause 14(4). Delete 14(3): Harbourmaster may restrict use of SSZ 3) — The Harbourmaster may at any time restrict the use of an SSZ to any degree the Harbourmaster sees fit, for a period of up to one year, if the Harbourmaster is of the opinion that the SSZ is not safe	The proposed amendments are to improve the clarity of clause 14.

	Submitter	Submission point	Section	Specific provision	Summary of decision requested	Recommendation	Reason
						or that such restriction is necessary for a special event.	
40.	MNZ	018-7	Part 3 Speed Limits, Reserved Areas and Access Lanes	15. Reserved areas and access lanes	Clause 15(2) appears to provide the regional council and Harbourmaster powers to create access lanes and other reserved areas outside of what is set by the bylaws. However, we consider that the access lanes should be defined in bylaws. Maritime NZ's view is supported by drafting of Maritime Rule 91.11 which states "where an access lane is defined by bylaws" the applicable regional council must follow the marking requirements in that rule. There does not appear to be authority for the Harbourmaster or regional council to define access lanes outside of the bylaw making process. Furthermore, section 33M(1)(e) of the MTA and Maritime Rule 91.12 both indicate that permanent reserved areas can only be defined under a bylaw or in the absence of a bylaw by the Director of Maritime NZ. Reserving an area on a permanent basis, or defining an access lane outside the bylaw process circumvents the public consultation processes associated with that process. Clause 15(3) we would like to understand what you mean by 'controls' and 'suspension of use' under this clause. Clause 15(4), (5) and (6) appears to provide the Harbourmaster powers in respect of reserved areas – e.g. to set conditions and purposes for the reserved areas and grant approval for reserved areas. These such powers are not	Accept. Retain 15(1). 15 (1) Locations of Reserved Areas and Access Lanes are identified in Appendix D and H. Delete 19(2)(3) & (4). 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.	Clause 15 'Reserved areas and access lanes' requires amendment to fully align with Maritime Rule Part 91.

	Submitter	Submission point	Section	Specific provision	Summary of decision requested	Recommendation	Reason
					reflected in Part 91 as being held by the Harbourmaster. We would like to better understand the purpose of clause 15(2), and what it allows the regional council and Harbourmaster to do. We would also like to understand what authority the regional council is relying on for this provision. If the purpose of this provision is to allow the regional council and harbourmaster powers to create permanent reserved areas and access lanes outside the bylaw process we ask that you remove this power. We would like to understand the authority you are relying on to create these provisions (clause 15(4),(5) and (6)) either under section 33F of the MTA or Part 91. We suggest this be amended to reflect Part 91. E.g: No person may obstruct another person while the other person is using a reserved area for the purpose for which it is reserved. If a person is using a reserved area for the purpose for which it is reserved, no other person may enter, remain in, or use the reserved area.	<i>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.</i> 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. Replace 15(5) and (6) to reflect Maritime Rule Part 91. <u>(2) A reserved area may be defined— (a) by a regional council by a navigation bylaw; or (b) by the Director by notice in the New Zealand Gazette.</u> <u>(3) No person may obstruct another person while the other person is using a reserved area for the purpose for which it is reserved.</u>	

	Submitter	Submission point	Section	Specific provision	Summary of decision requested	Recommendation	Reason
						<u>(4) If a person is using a reserved area for the purpose for which it is reserved, no other person may enter, remain in, or use the reserved area.</u>	
41.	MNZ	018-8	Part 3 Speed Limits, Reserved Areas and Access Lanes	15. Reserved areas and access lanes	The explanatory note refers to the 2020 bylaw – suggest update to 2026.	Accept in principle. As a result of the changes proposed in row 40 the explanatory note is proposed to be deleted.	The proposed change would have corrected an internal reference to the reviewed bylaw.
42.	Otago Peninsula Community Board	014-8	Part 3 Speed Limits, Reserved Areas and Access Lanes	16. Special events	Clause 16 relating to special events or ceremonies is unnecessarily restrictive to yachting clubs who place temporary navigation buoys out to create courses during the racing season. These courses have existed for generations and have been well known in boating circles for many years. These activities should be exempt from this clause and clauses related to markers and buoys.	No change.	This process is for special events, not business as usual events for clubs and organisations. All recreational clubs should have a safety plan in place that cover the normal activities of the club. Larger/one off/special events would usually exceed the clubs' normal safety regime and therefore often need a specific safety plan. This is covered when a special event is applied for. It does not restrict clubs laying and removing

	Submitter	Submission point	Section	Specific provision	Summary of decision requested	Recommendation	Reason
							temporary marks for racing etc.
43.	Otago Peninsula Community Board	014-5	Part 3 Speed Limits, Reserved Areas and Access Lanes	17. Conduct near marine mammals	Clause 17 in regard to rules relating to marine mammals should reference national legislation and conservation managements applicable to both commercial and recreational vessels. Otago Harbour has seen increasing numbers of marine mammals in recent years that has from time to time seen conflicts that could be avoided if the rules were clearer.	Accept in part. Delete clause 17.	Marine mammals are managed by the Marine Mammals Protection Regulations 1992. A navigation safety bylaw has no jurisdiction in this area, it is the responsibility of the Department of Conservation, and therefore it is proposed that clause 17 is removed in its entirety.
44.	Simon Macrae	001-1	Part 4 Anchoring and Mooring	18. Anchoring	Not having the 14 day rule and 60 days away, doesn't help people that want to stay and work in our town for traveling holidays, maybe make it a permit system for long term stays.	Accept in part. Replace proposed clause 18. Anchoring, with clause 24. Anchoring, in the current bylaw, i.e.: <u>18(2)</u> <u>No vessel shall remain anchored within the same or proximate location for longer than 14 days in any six month period without the prior approval of the Harbourmaster.</u>	The current bylaw provision (which has been in place for over 5 years) allows 14 days at anchor and then someone can anchor in another proximate location within the harbour. There is the option for Harbourmaster to approve a longer stay. We encourage people to seek a long-term solution if that is their intention. Note: the website mistakenly referred to '60 days' during the early stage of the consultation. The

	Submitter	Submission point	Section	Specific provision	Summary of decision requested	Recommendation	Reason
							bylaw as notified referred to the correct 6 month period.
45.	Norman Wood	002-1	Part 4 Anchoring and Mooring	18. Anchoring	12 days isn't very long "in a 60 day period" and I interpret your "in one place" as being the whole harbour as "one place". I haven't seen it as a problem, lots of boats at anchor in one place. If you had a boat turn up in the harbour, lay anchor, and stay for months and months, effectively "living there" sure it could be a problem, especially if there are many - I haven't noticed this. Let's say a larger tourist boat turns up in the Otago Harbour, anchors off Portobello (a nice spot), they've got to move on after 12 days has been used in a 60 days period? Seems harsh.	Accept in part. Replace proposed clause 18. Anchoring, with clause 24. Anchoring, in the current bylaw, i.e.: <u>18(2)</u> <u>No vessel shall remain anchored within the same or proximate location for longer than 14 days in any six month period without the prior approval of the Harbourmaster.</u>	The current bylaw provision (which has been in place for over 5 years) allows 14 days at anchor and then someone can anchor in another proximate location within the harbour. There is the option for Harbourmaster to approve a longer stay. We encourage people to seek a long-term solution if that is their intention. Note: the website mistakenly referred to '60 days' during the early stage of the consultation. The bylaw as notified referred to the correct 6 month period.
46.	Clint Sapwell	004-1	Part 4 Anchoring and Mooring	18. Anchoring	How is this relevant to lake Dunstan? There is one boat about 12m long that anchors. How about the water park in Cromwell that is anchored for a long period of time in a prime spot in lake dunstan? Completely a waste of resources and money!	No change.	As proposed in the draft bylaw, clause 18 would not apply to Lake Dunstan. The current bylaw provision applies to Lake Dunstan.

	Submitter	Submission point	Section	Specific provision	Summary of decision requested	Recommendation	Reason
47.	Eric Bretscher	005-1	Part 4 Anchoring and Mooring	18. Anchoring	It is not clear what "problem" the Council is trying to address and what the justification would be for creating a bylaw. Pleasure boating is a very, very limited activity everywhere south of the very top of the South Island. Otago Harbour is a large body of water comprising many bays which afford anchoring. Not only a visiting yacht can easily spend more than two weeks in it without representing an issue, but it is plainly unreasonable to attempt to force it out of the only all-weather shelter on the coast between Bluff (140NM away) and Oamaru (42NM away and dangerous to approach in heavy easterly swells) within just 14 days, being subsequently banned from returning for 2 months. A vessel undertaking a cruise to Stewart Island could easily pass Otago Peninsula twice within 60 days and could, at times, remain weather bound in Otago Harbour for more than 14 days without doing anything unusual. It seems quite obvious that there are far too few boats and more than enough space for any yacht to become a "problem" in the entirety of Otago Harbour. The Council appears to be attempting to address another issue and I would suggest to begin with stating it explicitly. A somewhat comparable bylaw exists in the Auckland region and it prohibits remaining anchored in the same location for more than 14 days. It is rarely enforced, as most anchored vessels don't represent a problem, regardless	Accept in part. Replace proposed clause 18. Anchoring, with clause 24. Anchoring, in the current bylaw, i.e.: <u>18(2)</u> <u>No vessel shall remain anchored within the same or proximate location for longer than 14 days in any six month period without the prior approval of the Harbourmaster.</u>	The current bylaw provision (which has been in place for over 5 years) allows 14 days at anchor and then someone can anchor in another proximate location within the harbour. There is the option for Harbourmaster to approve a longer stay. We encourage people to seek a long-term solution if that is their intention. Note: the website mistakenly referred to '60 days' during the early stage of the consultation. The bylaw as notified referred to the correct 6 month period.

	Submitter	Submission point	Section	Specific provision	Summary of decision requested	Recommendation	Reason
					of how long they stay in one place. The bylaw however enables taking action if and when a vessel becomes a problem.		
48.	Tim Vick	006-3	Part 4 Anchoring and Mooring	18. Anchoring	As the clause does not use any defined terms, I presume that all the words have their typical meaning as defined in a dictionary. Therefore as the clause states “No vessel shall remain anchored within the Otago Harbour for longer than 14 days”, it could be argued that provided that the boat spends some time every 14 days not anchored that the time limit resets. My understanding from media releases is this is not the desired outcome from this change. However if your intention is to limit a boat to only being able to anchor for up to a total of 14 days (either individually or concurrently) in a 6 month period, this may have unintended consequences. For example, 1. A boat that regularly goes out fishing though out the summer (6 month period) and drops anchor each time for whatever reason may exceed this limit 2. Port Chalmers race committee boat, is likely to anchor more than 14 times in a 6 month period 3. Trailer yacht cruisers on the harbour may well anchor more than 14 times/days in a 6 month period I therefore feel that the above limit is overly restrictive (with my understanding of the	Accept in part. Replace proposed clause 18. Anchoring, with clause 24. Anchoring, in the current bylaw, i.e.: <u>18(2)</u> <u>No vessel shall remain anchored within the same or proximate location for longer than 14 days in any six month period without the prior approval of the Harbourmaster.</u>	The current bylaw provision (which has been in place for over 5 years) allows 14 days at anchor and then someone can anchor in another proximate location within the harbour. There is the option for Harbourmaster to approve a longer stay. We encourage people to seek a long-term solution if that is their intention.

	Submitter	Submission point	Section	Specific provision	Summary of decision requested	Recommendation	Reason
					intention to limit anchoring to a total of 14 days in a 6 month period) and has the potential to capture people that you are not intending to, leaving them open to potential prosecution. If you are wanting to limit long term anchoring in the harbour, it would seem reasonable that the limit could be much longer, or add a clause requiring that all vessels anchoring in the otago harbour for more than 14 days must provide on request details of their permanent mooring or storage location to the harbour master. If these details do not satisfy the harbourmaster that anchoring in the otago harbour is temporary, the vessel must be removed from the harbour.		
49.	Reece Allison	009-1	Part 4 Anchoring and Mooring	18. Anchoring	I purchased a vessel late last year, filled a mooring consent soon after, I was initially told the ORC would start getting things underway mid-January, however it hasn't made much traction. My vessel is now under anchor and would be deemed illegal under the new rules. I've tried to do the responsible boaty thing, and it's now the ORC who are putting the harbour at risk.	Accept in part. Replace proposed clause 18. Anchoring, with clause 24. Anchoring, in the current bylaw, i.e.: <u>18(2)</u> <u>No vessel shall remain anchored within the same or proximate location for longer than 14 days in any six month period without the prior approval of the Harbourmaster.</u>	The current bylaw provision (which has been in place for over 5 years) allows 14 days at anchor and then someone can anchor in another proximate location within the harbour. There is the option for Harbourmaster to approve a longer stay. We encourage people to seek a long-term solution if that is their intention.

	Submitter	Submission point	Section	Specific provision	Summary of decision requested	Recommendation	Reason
50.	WDC	012-2	Part 4 Anchoring and Mooring	18. Anchoring	The draft bylaw [clean version] proposes changing Part 4, Section 18 (3) from: <i>“No vessel shall remain anchored within the same or proximate location for longer than 14 days in any six month period without the prior approval of the Harbourmaster.”</i> to: <i>“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.”</i> Recommendation: WDC wishes to retain the ability to apply Section 18 (3) and does not believe that clause 5: <i>“Vessels are permitted to anchor in Oamaru Harbour in the area shown in Appendix G provided that subclauses (2) to (4) above are complied with”</i> provides sufficient clarity. We propose the wording of clause 3 be amended to: <i>“No vessel shall remain anchored within the Otago Harbour or Oamaru Harbour for longer</i>	Accept in part. Replace proposed clause 18. Anchoring, with clause 24. Anchoring, in the current bylaw, i.e.: <u>18(2)</u> <u>No vessel shall remain anchored within the same or proximate location for longer than 14 days in any six month period without the prior approval of the Harbourmaster.</u>	The original wording allows for coverage in Oamaru Harbour.

	Submitter	Submission point	Section	Specific provision	Summary of decision requested	Recommendation	Reason
					<i>than 14 days in any six month period without the prior approval of the Harbourmaster”.</i>		
51.	Rob Bishop	007-4	Part 4 Anchoring and Mooring 20. Moorings	20(3)	The requirement for moorings to be inspected by a “Competent Person” and repaired to Harbour Master specified standards is a major shift. This will require: • Oversight of inspectors • Clear standards and documentation • Enforcement processes • Communication with mooring owners I would appreciate clarity on whether ORC intends to recover costs from mooring owners and what the expected financial impact will be.	No change.	These provisions are part of the current bylaw, there is no change. There are no cost implications for the Harbourmaster team. The standards are part of the consent process, the owner of the resource consent is responsible for the maintenance of the mooring.
52.	James McEwan	017-1	Part 4 Anchoring and Mooring	18. Anchoring	The anchoring rule is not workable, as there are currently no moorings for sale in Otago Harbour, either on Trademe, Facebook marketplace, or anywhere else I looked online. If people can't anchor for longer than the proposed time limit, and if there are no moorings available to shift to, then the boat has no option but to depart the harbour entirely. This will lead to visiting yachts bypassing Otago completely, further damaging our already fragile maritime industry here.	Accept in part. Replace proposed clause 18. Anchoring, with clause 24. Anchoring, in the current bylaw, i.e.: <u>18(2)</u> <u>No vessel shall remain anchored within the same or proximate location for longer than 14 days in any six month period without the prior approval of the Harbourmaster.</u>	Comments noted. ORC acknowledges that there are very limited options for a permanent solution. The current bylaw provision (which has been in place for over 5 years) allows 14 days at anchor and then someone can anchor in another proximate location within the harbour. There is the option for Harbourmaster to approve a longer stay. We encourage people to seek a long-term solution if that is their intention.

	Submitter	Submission point	Section	Specific provision	Summary of decision requested	Recommendation	Reason
53.	Eric Bretscher	005-3	Part 5 Special Provisions on Activities in Otago Harbour	22. Transmission of Automatic Identification System (AIS) in Otago Harbour	I am unconvinced about the actual benefit that would ensue from the installation of AIS transmitters on small commercial craft as proposed. Ships cannot realistically avoid them in the restricted waters of Otago Harbour. On the other hand, their comparably shallow draft allows them to keep clear of ships, which are highly visible and follow a defined track. The increase in cost and complexity from the point of view of the operator seems difficult to justify.	No change.	AIS is a proven system that allows for a better overview of safety of navigation in any waters. It also allows technical vision from ship to ship or ship to shore, giving a safer navigational picture to operate with. Yes, there is a cost to the operator, dependent on the type of AIS installed. Most commercial operators would already have this fitted and operational. To note it can be switched off when required. We are requiring it to be transmitting when transiting Otago Harbour. All of the Otago Harbour navigational monitoring is carried out by Port Otago and the Harbour Control Team at Port Chalmers.
54.	Rob Bishop	007-2	Part 5 Special Provisions on Activities in	22. Transmission of Automatic Identification	The expansion of AIS obligations to include smaller commercial vessels, charter vessels,	No change.	AIS is a proven system that allows for a better overview of safety of navigation in any waters. It also allows

	Submitter	Submission point	Section	Specific provision	Summary of decision requested	Recommendation	Reason
			Otago Harbour	System (AIS) in Otago Harbour	and vessels operating at night or in restricted visibility is a significant change. This raises several questions: • Does ORC have the infrastructure to monitor AIS signals? • Has the cost of this technology been assessed? • How will compliance be enforced? • What is the expected cost impact on smaller operators? AIS is a valuable safety tool, but the practical and financial implications need to be clearly outlined.		technical vision from ship to ship or ship to shore, giving a safer navigational picture to operate with. Yes, there is a cost to the operator, dependent on the type of AIS installed. Most commercial operators would already have this fitted and operation. To note it can be switched off when required. We are requiring it to be transmitting when transiting Otago Harbour. All of the Otago Harbour navigational monitoring is carried out by Port Otago and the Harbour Control Team at Port Chalmers.
55.	MNZ	018-12	Part 7 Maritime Safety Administrative Matters	29. Written approvals	Currently the way this provision is written appears to allow an approval to be granted subject to any conditions. We suggest that this is clarified, that conditions can only be applied as allowed under the bylaws. Leaving this clause written broadly may allow conditions to be included which are outside	Accept. Legal advice has provided the following drafting: (1) Any person may make application to the Harbourmaster for written approval as allowed	Legal advice was sought on the issue and an amendment has been provided to address the issue MNZ raises.

	Submitter	Submission point	Section	Specific provision	Summary of decision requested	Recommendation	Reason
					authority of the granter or inconsistent with Maritime Rules and the MTA.	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 <u>that are:</u> <u>(a) relevant to the activity for which written approval is sought;</u> <u>(b) for the purposes of ensuring maritime safety; and</u> <u>(c) not inconsistent with Maritime Rules or the Act.</u> (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.	
56.	Eric Bretscher	005-2	Appendix G Oamaru Harbour	Temporary anchoring zone	I wish to point out from experience that the designated anchoring area, W of Sumpter Wharf, offers very poor holding. Vessels can anchor reliably N of the end of Sumpter Wharf. The anchorage can become uncomfortable at	No change.	Comments noted.

	Submitter	Submission point	Section	Specific provision	Summary of decision requested	Recommendation	Reason
					high tide with heavy swells outside, but it remains safe and holding is excellent. The body of open water parallel to Holmes Wharf is an access channel and could be designated as a prohibited anchoring area with some benefits. Occasional visitors have had to be moved on after anchoring there in the past.		
57.	WDC	012-3	Interpretation Appendix G Oamaru Harbour	Definition of 'Oamaru Harbour' Mapping of Oamaru Harbour	WDC notes that the draft bylaw identifies Oamaru Harbour as a "commercial port area". Recommendation: WDC seeks assurance that this categorisation: - Aligns with ORC's intended regulatory treatment of Oamaru Harbour, recognising its mixed use (recreational, fishing, heritage, and events); and - Does not inadvertently impose commercial scale operational expectations that exceed the nature of the harbour. WDC also notes that Regional Plan: Coast for Otago (page 32) refers to Otago Harbour as Otago's only commercial port. Recommendation:	Accept. Develop more detailed mapping of Oamaru Harbour in Appendix G.	To provide more clarity for users regarding reserved areas, moorings, and access lanes.

	Submitter	Submission point	Section	Specific provision	Summary of decision requested	Recommendation	Reason
					WDC believes there should be alignment in both documents on the region's commercial ports, to ensure clarity for users, avoid regulatory ambiguity, and maintain consistency across regional and district planning instruments. The current map of Oamaru Harbour in Appendix G shows the Commercial Port Area and a Temporary Anchoring Zone. Recommendations: WDC requests more detailed mapping in Appendix G to support clarity for users regarding reserved areas, moorings, and access lanes. WDC would welcome to opportunity to work on this detail with the Harbourmaster, through the provisions of Part 3, Section 15 (2): <i>"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."</i>		

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58.	WDC	012-4	Appendix G Oamaru Harbour	Speed and Right of Way	WDC supports the submission by North Otago Yacht and Power Boat Club in relation to speed and right of way in Oamaru Harbour. The aim of both recommendations is to increase safety in the Harbour by considering the mixed use and limited area of the Harbour. Recommendations: • Appendix G of the draft bylaw be amended to specify that a speed limit of 5 knots applies to the mapped area • Appendix G of the draft bylaw also be amended to show that boats entering Oamaru Harbour have right of way.	Accept. Amend Appendix G.	The proposed changes provide more visibility about the 5 knot limit and improve navigational safety by informing users who has the right of way.
59.	North Otago Yacht & Power Boat Club Inc	013B-1	Appendix G Oamaru Harbour	Right of Way	That Boats leaving the Oamaru harbour give way to any and all boats entering the harbour (entering boats have the right of way). Reason: Because of the limited area for boats to enter the harbour any boat entering is committed to a channel area and once they have started entering they have limited options to change course - this could result in catastrophic instances with boats being pushed up onto the rocks or grounded at the entrance.	Accept. Amend Appendix G.	The proposed change will provide clearer advice for users entering and leaving Oamaru Harbour.