

## MEMORANDUM

**Date:** 9 March 2026

**To:** Navigation Safety Bylaw Hearing Panel

**From:** Michelle Mehlhopt (Wynn Williams)

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### Navigation Safety Bylaw - Ability to restrict anchoring in Otago Harbour

1. The Hearing Panel (**Panel**) has requested advice regarding the ability of the draft Navigation Safety Bylaw 2026 (**Bylaw**) to restrict anchoring in the Otago Harbour. This memorandum addresses this question.

#### Relevant proposed Bylaw provision

2. The Bylaw proposes to include clause 18(3) which restricts anchoring in the Otago Harbour. Clause 18(3) as proposed states:
 

(3) 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.

#### Analysis - Legal basis for restricting anchoring in Otago Harbour

3. Section 33M of the Maritime Transport Act 1994 (**MTA**) relates to navigation bylaws. It states, relevantly, that:
  - (1) For the purpose of ensuring maritime safety in its region, a regional council may, in consultation with the Director, make bylaws to—
 

...

(g) regulate and control the use of anchorages:

...
4. There is a legal basis for the Bylaw to restrict anchoring in the Otago Harbour, provided it is for the purpose of ensuring maritime safety in the Otago region.
5. The Statement of Proposal for the Bylaw sets out the reason for the change to the 14-day limit for anchoring in the Otago Harbour. It states, relevantly:<sup>1</sup>

This adjustment allows for better management of the harbour. The current approach results in a lack of appropriate anchoring locations for visiting vessels, ....
6. If better management of the harbour and seeking to resolve the issue of lack of appropriate anchoring locations for visiting vessels is for the purpose of ensuring maritime safety, then the Bylaw has the ability to restrict anchoring as proposed.

#### Conclusion

7. We trust that our advice assists. Please let us know if you have any further questions, or would like clarification on any matters.

**Wynn Williams**

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<sup>1</sup> Statement of Proposal, Draft ORC Navigation Safety Bylaw 2026, January 2026, page 3.