

# Draft Navigation Safety Bylaw 2026 feedback

\* Compulsory question

## Your contact details

Only your name will be publicly visible as part of your submission.

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<b>Do you wish to speak to your submission at a public hearing?</b>	<input type="button" value="Yes"/>

Please make sure you have provided your contact details (email and/or phone number) so we can be in touch to arrange a time. Hearings can be in person or online. Hearings will be livestreamed.

Hearings will be sometime in late February to March 2026 (date will be confirmed closer to the time).

## Your feedback

**Please give us your feedback on the changes to the Navigation Safety Bylaw 2020, as outlined in the Draft Navigation Safety Bylaw 2026. What would you change? What do you support or not support?**

PLEASE SEE ATTACHED PDF, I have had some difficulty with the drag and drop. Can you please check that this submission has come through correctly, should be 7 -8 pages long. Please contact me at the email address given if it hasn't come through correctly and I will resent. Thank you

### Upload any supporting documents (optional)

Upload any documents you have to support your feedback, or upload your feedback itself. For visual and audio feedback, please include the links in a document.

Accepted file formats: PDF, Word, Excel, JPG, PNG.

Max size of each file: 5 MB

Maximum number of files you can upload: 3

**File upload**



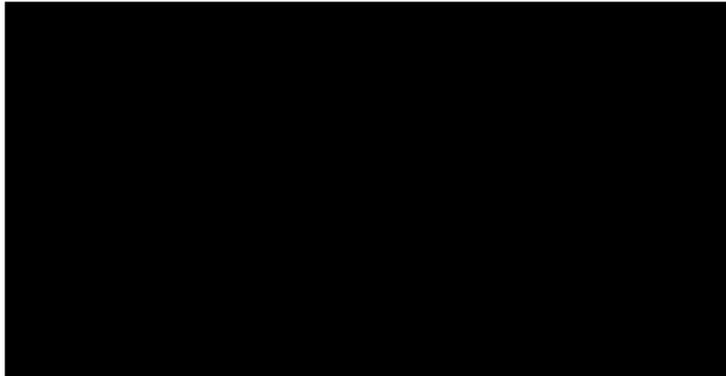
**About you (optional)**

**What area do you live in?**

**Please specify.**

**Which age group are you in?**

**Which of the following describe/s you? Select all that apply.**



# OTAGO REGIONAL COUNCIL NAVIGATION SAFETY BYLAW DRAFT 2026

## SUBMISSION OF KATHERINE MCNABB

I submit against the introduction of the above draft bylaw, until the following issues are addressed

My concerns are inconsistency with the Maritime Transport Act 1994, Rule Part 91 the model bylaw. The Maritime Transport Act 1994 being the overarching legislation.

Inconsistency with QLDC which represents just under a third of the ORC area and is a delegated responsibility of the ORC.

That the Queenstown Lakes District are still under a delegation from the Otago Regional Council since the ORC promulgated its own bylaws is of concern. A transfer has already occurred for the area covered by the Central Otago District Council which was in line with the recommendation of the hearing panel and occurred on the 1<sup>st</sup> September 2020.

### Issues

#### 1. Consistency

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

*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**

*8. Navigation on rivers (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*

And then you get to QLDC , the delegated area which has the following

### **QLDC**

*Uplifting, means a lifting of, or change to, speed limits in this bylaw*

## **2. Life jacket rules**

As per the first paragraph of this submission, seven different 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.

## **ORC**

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.*

## **QLDC**

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*

### **3. Delegation to Queenstown Lakes District Council**

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 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 1<sup>st</sup>

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.

I wish to be heard in support of my submission and reserve the right to produce extra material.

### **MY BACKGROUND, EXPERIENCE AND QUALIFICATIONS**

I have been a ratepayer in the QLDC/ORC area resident full time from 1989 to 1996 and for approximately a third of the year since then.

I have the following relevant experience and qualification in navigation safety matters and resource management related to navigation safety

I have been recognised as an expert witness in the Environment Court since 2002. My specific area is the interface of the Resource Management Act and navigation and safety rules in jet boating. This includes Jet Boating Nz, and others, both in court and council hearings.

In depth understanding of local body and national jurisdiction of all boating and related resource management matters. Special interest and knowledge of maritime legal history, with regard to inland waters of NZ, for example the history of the current legislative framework pleasure boating operates within.

Independent contractor for navigation safety bylaw advice and submission preparation since 2009

I have been sailing/power boating since 1960 and a commercial skipper since 1995

My experience includes, keelers (commercial and recreational), jet boat commercial and recreational, and passenger craft up to 24 metres. Includes owning a commercial jet business and a charter yacht. I have also owned 3 of my own jet boats, two yachts, sailing dinghy's

Areas of experience include inland, coast and offshore both islands. For the last 18 years I have been based back in the Marlborough Sounds however spend approximately a third of the year in the QLDC. Yacht fleet racing inshore and coastal.

### **Royal Coastguard Boating Education Service**

Director April 2011 to December 2020 perfect meeting attendance record

Governance of an PTE that delivered over 10,000 certifications a year

Member of Course Development Committee designing and approving qualifications and curriculum

Royal Coastguard Boating Education Tutor 18 years including foundation level recreational through to commercial certifications, preparation for Part 35 qualifications and the Certificate in Domestic Marine Operations course for Skipper Restricted Limits.

CBES Innovation Award 2008

### **Maritime New Zealand**

Appointed as a Safe Boating Advisor 2004

Included safety work with clubs, regional authorities, interagency work with police, boat shows, safety talks to boating clubs, ramp education.

### **Jet Boating New Zealand**

National Rivers Officer Jet Boating NZ November 1999-2004 (under the name Jameson) – responsible for navigation safety, RMA matters

Chairperson of Nelson/Marlborough branch 2023-25

## **RELEVANT QUALIFICATIONS**

### **In order of applicability**

Maritime NZ Inshore Launch Master which includes any craft up to 24 meters to 20 nautical mile limit 2011

High speed endorsement for Maritime NZ Inshore Launch Master 2011

Legal Systems, Open Polytech 2007

Maritime NZ safe Boating Advisor and have been since 2004

Licence to Operate a Jet Boat, Q.L.D.C. 1995

Local Launch Operator Maritime NZ 2009

Royal Yacht Association U.K. International Certificate of Competency for Sail, up to 200 tonnes and 60 nautical miles from safe haven. 2004

Royal Yacht Association U.K. International Certificate of Competency for Power up to 10 metres and 60 nautical miles from safe haven. 2004

Royal Yacht Association U.K. International Coastal Skipper, Yacht 2004

Radar Operators Certification 2011

MROC Radio Operators Certification 2004

Boat Master CBES 2004

ICAM – Incident Cause Analysis Method accident investigation 2021

**Katherine A V McNabb**

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