

Draft Navigation Safety Bylaw – Hearing Report

Reconvened meeting of the Hearing Panel - 11.00 am Tuesday, 8 September 2026

Environment Southland Council Chambers

Purpose

The purpose of the reconvened hearing is for the Hearing Panel to consider the further legal advice requested following its deliberations on 20 August 2026, and to confirm the final drafting of the Draft Navigation Safety Bylaw before making its recommendation to Council.

Recommendation

It is recommended that the Hearing Panel resolve to:

- 1. receive the report on the Draft Navigation Safety Bylaw;**
- 2. note that the purpose of the reconvened hearing is to confirm the final drafting of the Draft Navigation Safety Bylaw before making its recommendation to Council;**
- 3. note that the Hearing Panel requested further legal advice on matters arising from its consideration of the draft bylaw and that the legal advice has now been received and is attached as Appendix A;**
- 4. recommend to Council that it adopts the Draft Navigation Safety Bylaw with the Hearing Panel recommendations set out in Appendix B – Hearing Panel recommended amendments to the Draft Bylaw.**

Background

The draft Southland Regional Council Navigation Safety Bylaw (draft bylaw) has been prepared under the Maritime Transport Act 1994 (MTA) and the Local Government Act 2002 (LGA) for the purpose of ensuring maritime safety within the region.

The draft bylaw was publicly notified on 15 December 2025, with the submission period closing on 16 February 2026. Public consultation attracted 40 submissions, including submissions relating to the establishment of ten new speed uplift areas.

Following the hearing on 23 April 2026, the Hearing Panel recommended that further consultation be undertaken on a number of proposed amendments relating to speed uplift areas. Council considered the Hearing Panel's recommendations and resolved to undertake further consultation on those proposed amendments.

The proposed amendments were publicly notified on 12 June 2026, with submissions closing on 12 July 2026. A total of 66 submissions were received.

On 4 August 2026, the Hearing Panel reconvened to hear from submitters on matters raised through the further consultation process. Seven submitters attended and spoke to their submissions.

The Hearing Panel then continued its deliberations and suggested further amendments to the draft bylaw. The Hearing Panel directed the Reporting Officer to refine the wording of several provisions to reflect its deliberations. The hearing was subsequently adjourned to allow the Panel to review the refinements before making its final recommendation.

The Hearing Panel reconvened on 20 August 2026 to consider the amended drafting. At that meeting, one of the Panel members recused themselves from further consideration of the draft bylaw. While the remaining panel members did discuss the amended provisions, the Hearing process was further adjourned to enable clarification on a few legal and procedural matters. The Panel

subsequently requested further legal advice through a formal Minute on matters arising from its consideration of the draft bylaw. Council has since formally resolved that the hearing process continue with the remaining two members of the Hearing Panel.

The legal advice requested by the Hearing Panel has now been received and is attached as Appendix A. The advice considers the scope of Council's powers to include speed uplift provisions in a navigation safety bylaw, including whether maritime safety must be the sole purpose of a provision and how speed uplift provisions should be considered in the context of the bylaw as a whole. It also considers the relationship between the Navigation Safety Bylaw and the Resource Management Act 1991, Water Conservation Orders and district plans.

The Hearing Panel is now asked to consider the legal advice and make its final recommendation to Council on adoption of the Draft Navigation Safety Bylaw.

Next Steps

Date	Process
14 October 2026 (Subject to the outcomes of the Hearing and deliberations)	Hearing Panel recommendations presented to the Council meeting for approval and adoption.
October 2026	Subject to the decisions of Council, public notice in the Southland Times and on the Council website advising that the bylaw has been adopted
2027	Bylaw comes into force, subject to the infringement fee regulations being in force.

Attachments

Appendix A – Legal Opinion in response to Hearing Panel Minute 2

Appendix B – Hearing Panel recommended amendments to the Draft Bylaw