



# Lake Taupo (Crown Facilities, Permits and Fees) Regulations 2004

Silvia Cartwright, Governor-General

## Order in Council

At Wellington this 24th day of May 2004

Present:

The Right Hon Helen Clark presiding in Council

Pursuant to section 650I(5) and (6) of the Local Government Act 1974, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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## Regulations

### 1 Title

These regulations are the Lake Taupo (Crown Facilities, Permits and Fees) Regulations 2004.

### 2 Commencement

These regulations come into force on 1 July 2004.

### 3 Interpretation

In these regulations, unless the context otherwise requires,—

**berthing facility** means a wharf, jetty, breastwork, or similar work owned by the Crown or administered by the Secretary

**berthing permit** means a permit issued under regulation 7

**commercial vessel** means a craft—

- (a) available for charter; or
- (b) operating for hire or reward

**craft** means—

- (a) any thing capable of being used to carry a person or goods over or under water, whether or not it is self-propelled;
- (b) an aircraft as defined in section 2 of the Civil Aviation Act 1990;
- (c) a hovercraft

**Crown facility** means a maritime facility that is owned by the Crown or administered by the Secretary

**enforcement officer** means a person appointed to be an enforcement officer for the lake under section 650I(3) of the Local Government Act 1974

**fee** means the fee for the relevant permit set out in Schedule 1

**harbourmaster** means a person appointed to be a harbourmaster for the lake under section 650I(3) of the Local Government Act 1974

**hovercraft** means a machine designed to be supported in the atmosphere, wholly or partly by air expelled from the machine that forms a cushion extending beneath the machine to the surface of the ground, water, or other portion of the earth's surface

**lake** means—

- (a) the waters of Lake Taupo; and
- (b) the navigable rivers and streams flowing into that lake;  
and
- (c) the tailrace from the Tokaanu power station; and
- (d) the waters of the Waikato River between Lake Taupo  
and the Huka Falls

**other facilities** means maritime facilities or maritime works associated with berthing facilities, eg, sanitary pump stations and fueling facilities

**ramp**, in relation to the lake, means any structure that is—

- (a) provided for launching craft into the lake or taking craft out of the lake; and
- (b) owned by the Crown or administered by the Secretary

**ramp permit** means a permit issued under regulation 4 for the use of a ramp to launch a craft into the lake or take it out of the lake

**rental vessel** means a craft—

- (a) operated by the hirer; and
- (b) available to be let on hire or for reward

**Secretary** means the Secretary for Local Government.

#### **4 Permit required to use ramp**

A person must not use a ramp to launch a craft into the lake or take it out of the lake unless there is a valid ramp permit for that craft.

#### **5 Authority to issue ramp permit**

The Secretary or the harbourmaster may—

- (a) issue any of the ramp permits set out in Schedule 1; and
- (b) authorise any person to issue any of the ramp permits set out in Schedule 1.

#### **6 Permit required to use berthing facility**

- (1) A person must not berth a craft at a berthing facility unless there is a valid berthing permit for that craft.
- (2) Application for a berthing permit must be made in the form prescribed in Schedule 2.

## **7 Issue of berthing permit**

- (1) The harbourmaster may issue any of the berthing permits set out in Schedule 1.
- (2) If there is more than 1 application for a berthing permit for a berthing facility, the harbourmaster must accord priority—
  - (a) first, to the holder of the previous valid permit for that berthing facility;
  - (b) second, to applications for permits for commercial or rental vessels, in order of their receipt;
  - (c) third, to other applications, in order of their receipt.
- (3) Subclause (2) applies only to applications for a 12-month berthing permit.
- (4) Despite subclause (2), the harbourmaster may grant a berthing permit only if he or she is satisfied that the craft can be safely and conveniently berthed at the specified berthing facility.

## **8 Conditions applying to berthing permits**

- (1) It is a condition of every berthing permit that—
  - (a) fenders must be used that are adequate to protect the berthing facility; and
  - (b) when berthed, the craft must be adequately secured to the berthing facility.
- (2) The harbourmaster may impose other conditions on a berthing permit that are reasonably necessary to protect it and other facilities.
- (3) Conditions imposed under subclause (2) must be—
  - (a) attached to the permit when it is issued; or
  - (b) in the case of conditions imposed after a permit has been issued,—
    - (i) provided to the permit holder in writing; or
    - (ii) notified to permit holders by suitable signs or notices.

## **9 Cancellation of berthing permits**

The harbourmaster may cancel a berthing permit if a condition of the berthing permit is breached, but must refund the proportion of any fee paid for the permit that corresponds to the period for which, but for its cancellation, the permit would have been valid.

**10 Modification of berthing permit**

- (1) No berthing permit may be transferred, assigned, or hired under any rule of law or equity.
- (2) A purported transfer, assignment, or hiring of a berthing permit is void.
- (3) However, the harbourmaster may modify a valid berthing permit so that it applies,—
  - (a) with the consent of the holder,—
    - (i) to another craft:
    - (ii) to another berthing facility:
  - (b) without the consent of the holder, to another berthing facility, if the harbourmaster considers it is desirable to do so to manage efficiently the use of berthing facilities.

**11 Berthing facility that becomes unusable**

- (1) If a berthing facility becomes unusable, the harbourmaster must,—
  - (a) if practicable, modify the berthing permit for that berthing facility, in accordance with regulation 10(3)(b); or
  - (b) if the harbourmaster does not act under paragraph (a), refund a proportion of the fee paid that corresponds to the period that the berthing facility was unusable.
- (2) Subclause (1) does not apply unless a berthing facility is unusable for more than 30 consecutive days.
- (3) For the purposes of this section, a berthing facility is unusable if it is not safe or practicable to use it because of—
  - (a) its physical condition (other than a condition caused by the holder of the berthing permit or the user of a craft for which a berthing permit is issued):
  - (b) any action taken by the harbourmaster:
  - (c) the level of the lake.

**12 Validity of permits**

Any ramp permit or berthing permit is valid—

- (a) for the period set out in Schedule 1 for the relevant type of permit; and
- (b) if the fee for that type of permit has been paid,—
  - (i) in the case of a ramp permit, to the harbourmaster or a person authorised to issue a permit under regulation 5(b):

- (ii) in the case of a berthing permit, to the harbourmaster.

### **13 Offences and penalties**

- (1) Every person commits an offence and is liable on summary conviction to the penalty set out in regulation 14 who uses a ramp to launch a craft into the lake or take a craft out of the lake and fails to produce a valid ramp permit when requested to do so by the harbourmaster or an enforcement officer.
- (2) Every person commits an offence and is liable on summary conviction to the penalty set out in regulation 14 who berths a craft at a berthing facility if there is no valid berthing permit for that craft to use that berthing facility.

### **14 Penalty**

Every person convicted of an offence under regulation 13 is liable to a fine not exceeding \$500 and, in the case of a continuing offence under regulation 13(2), \$50 for each day on which the offence continues.

### **15 Fees**

- (1) The fees for ramp permits and berthing permits are set out in Schedule 1.
  - (2) The prescribed fees are inclusive of goods and services tax.
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## Schedule 1

### Fees for use of Crown facilities

The fees for permits to use Crown facilities in the lake are as follows:

Type of permit	Period for which issued	Fee per craft (\$)	
Ramp permit for any ramp in lake	up to 24 hours	3.80	
	1 week	8.50	
	1 month	19.20	
	1 year	51.00	
Berthing permit (short term, at any Crown facility)	1 day	11.50	
	1 week	25.50	
	1 month	56.00	
<b>Berthing permit (long term)</b>		<b>Per year (\$)</b>	
Application fee (for all long-term permits)		56.00	
<b>Taupo</b> —	(i) parallel and more than 12.5 m in length	1,328.00	
	(ii) parallel and 12.5 m in length	1,107.00	
	(iii) parallel and less than 12.5 m in length	73.40	
			per metre
	(iv) bow-in and 3 m or more in width (jetty included)	887.00	
	(v) bow-in and 3 m or more in width (jetty not included)	740.00	
	(vi) bow-in and less than 3 m in width (jetty included)	591.00	
(vii) bow-in and less than 3 m in width (jetty not included)	480.00		
<b>Nukuhau</b>	all berths	371.00	
<b>Motuoapa</b> —	(i) with jetty	480.00	
	(ii) without jetty	294.00	
<b>Tokaanu</b>	all berths	294.00	

Schedule 2
Application for berthing permit

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Form
Application for berthing permit

Regulation 6, Lake Taupo (Crown Facilities, Permits and Fees)
Regulations 2004

(Before completing this form please read the notes at the end of the form)

To Department of Internal Affairs Phone (07) 378 7176
PO Box 256 Fax (07) 378 2718
Taupo

Applicant(s): ..... Initials: .....
..... Initials: .....

(see note 3)

Address: .....
.....

Telephone numbers:

Private:.....
Business:.....
Mobile: .....

Berth area applied for (only 1 area per application)

(delete 2 that are not applicable):

- Taupo
Motuoapa
Tokaanu

Intended use of craft (delete whichever is not applicable):

- Commercial (see notes 1 and 2)
Private (see note 1)
Annual (annual permit will be held on an ongoing basis subject to the holder paying the appropriate annual fee each year)
Temporary

Details of craft (see note 4)

Type:
Draught (metres):
Colour:



Form—continued

Length (metres):

Beam (metres):

Name:

**Applicant's signature:** .....

Date: .....

**Accounting details:**

Charge for berth \$.....

Application fee (non-refundable) \$.....

TOTAL \$.....

Receipt number: .....

**Supporting documents checklist**

Regulation 6, Lake Taupo (Crown Facilities, Permits and Fees) Regulations 2004

Boating on Lake Taupo

Fees: .....

Cheque: .....

Cash: .....

Other: .....

**For office use only**

Unique identification code (for all future inquiries)

Site allocated: .....

Previous occupation: .....

Allocation date: .....

Berth category: .....

Invoice issued: .....

Card made out: .....

Entered on database: .....

Entered on waiting list .....

Permit issued: .....

----- (cut here) -----

Form—*continued*

Date of receipt: .....

Date stamp: .....

**Code number allocated for future reference and Privacy Act compliance** (*see note 7*)

Please retain and produce when requesting position on waiting list, etc.

**Unique identification code** (for all future inquiries)

Receiving officer

Signed: .....

Date: .....

Regulations explained in detail.

Briefing DIA officer (normally harbourmaster)

Signed: .....

Date: .....

**Notes:**

- 1 This application and any permit issued are invalid if changes are made, after receipt of the application, to the—
  - type of craft:
  - intended use (ie, commercial or private):
  - applicant's identity.
- 2 The transfer of a berthing facility by a commercial operator on the sale of a business is only permitted if the operator is a limited liability company and was so at the time of the original berth application.
- 3 An applicant must be a natural or legal person and a permit cannot be issued to bodies with no legal status.
- 4 A berthing facility can only be applied for if the size and type of craft is stated on the application. A change to a craft of different dimensions renders this application invalid. A fresh application is required and a new fee is payable.

Form—*continued*

- 5 Your acceptance is required immediately you are advised that a berthing facility has been allocated to you. The craft must be ready to occupy the berthing facility. If it is not, or if you decline the berthing facility offered, your application goes to the bottom of the list. If you request another berthing facility after being allocated one, you must make a fresh application and pay the appropriate fee.
- 6 Once allocated, a berthing facility is not transferable. If you change or vary the ownership of the craft, you may have to vacate the existing berthing facility and make a fresh application for a berthing permit. However, this does not prevent a permit holder from planning to acquire a craft not suitable for the existing berthing facility or from applying for an additional berthing facility, while remaining in the existing berthing facility with the original craft until the application is decided.
- 7 Privacy Act 1993: The particulars in this form that relate to individuals is personal information in terms of the Privacy Act 1993. This information is collected by the Lake Taupo harbourmaster so that your application for a berthing facility can be considered under the Lake Taupo (Crown Facilities, Permits, and Fees) Regulations 2004. You have the right to access and correct this personal information. The use of unique identifiers is necessary to ensure that your privacy is protected while allowing us to operate efficiently.

Diane Morcom,  
Clerk of the Executive Council.

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**Explanatory note**

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations, which come into force on 1 July 2004, replace in part the Lake Taupo Regulations 1976 which expire on 30 June 2004. They do not replace the navigation elements of the 1976 regulations, or the fees for moorings, matters which will be dealt

with by a navigation bylaw made under section 684B of the Local Government Act 1974.

The regulations provide for fees to be paid for the use of 2 categories of maritime facility that are Crown-owned or administered by the Secretary for Local Government:

- daily, weekly, monthly, and annual fees for the use of a ramp to launch a craft into, or take it out of, the lake; and
- annual fees for the use of a berthing facility, the scale of fee depending on the location of the berthing facility, the manner in which the craft is berthed (whether parallel or bow-in), and the size of the craft.

The regulations empower the Secretary or harbourmaster to impose conditions on the use of a berthing facility, and set out the general conditions that apply to the use of all berthing facilities. The regulations also provide for how priority is to be accorded if there is more than 1 application for an available berthing facility, and enable the harbourmaster to cancel a berthing permit.

Berthing permits cannot be transferred, assigned, or hired out by the holder. The harbourmaster may, if the holder consents, modify a permit so that it applies to another craft or another berthing facility, or may do so without the holder's consent for the sake of efficiency. The regulations also provide for the circumstance when a berthing facility becomes unusable.

The regulations make it an offence to use a Crown facility without the relevant permit, and provide, on summary conviction, for a penalty by way of a fine of not more than \$500, and in the case of a continuing offence in relation to the use of a berthing facility without a permit, a fine of a further \$50 for each day that the offence continues.

*Schedule 1* sets out the fees for permits, and *Schedule 2* provides the prescribed form for an application for a berthing permit.

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Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 3 June 2004.

These regulations are administered in the Department of Internal Affairs.

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