



## Lake Taupō (Crown Facilities, Permits, and Fees) Amendment Regulations 2019

Patsy Reddy, Governor-General

### Order in Council

At Wellington this 16th day of September 2019

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 33W(5) of the Maritime Transport Act 1994 on the advice and with the consent of the Executive Council.

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## Regulations

- 1 Title**  
 These regulations are the Lake Taupō (Crown Facilities, Permits, and Fees) Amendment Regulations 2019.
- 2 Commencement**  
 These regulations come into force on 1 November 2019.
- 3 Principal regulations**  
 These regulations amend the regulations that were previously called the Lake Taupo (Crown Facilities, Permits and Fees) Regulations 2004 (the **principal regulations**).
- 4 Title of principal regulations changed**  
 Replace regulation 1 with:
 

- 1 Title**  
 These regulations are the Lake Taupō (Crown Facilities, Permits, and Fees) Regulations 2004.
- 5 New regulation 2A inserted (Application: Crown-owned facilities only)**  
 After regulation 2, insert:
 

- 2A Application: Crown-owned facilities only**  
 These regulations apply only to—
    - (a) a berthing facility or ramp that is—
      - (i) owned or operated by the Crown; and
      - (ii) not subject to the jurisdiction of a local authority; and
    - (b) a mooring that is—

- (i) owned or operated by the Crown; and
- (ii) not subject to the jurisdiction of a local authority; and
- (iii) identified by the harbourmaster as a mooring that may be used only with the harbourmaster's permission.

## 6 Regulation 3 amended (Interpretation)

- (1) In regulation 3, definition of **berthing facility**, delete “owned by the Crown or administered by the Secretary”.
- (2) In regulation 3, revoke the definitions of **Crown facility** and **mooring permit**.
- (3) In regulation 3, definition of **fee**, after “permit”, insert “or permission”.
- (4) In regulation 3, definition of **lake**, paragraphs (a) and (d), replace “Taupo” with “Taupō”.
- (5) In regulation 3, insert in its appropriate alphabetical order:  
**mooring permission** means a permission granted under regulation 11A to use a mooring
- (6) In regulation 3, replace the definition of **ramp** with:  
**ramp**, in relation to the lake, means any structure provided for launching craft into the lake or taking craft out of the lake

## 7 New regulation 3A inserted (Transitional, savings, and related provisions)

After regulation 3, insert:

### 3A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1AA have effect according to their terms.

## 8 Regulation 11 amended (Berthing facility that becomes unusable)

Revoke regulation 11(1)(b).

## 9 Regulations 11A and 11B and cross-heading replaced

Replace regulations 11A and 11B and the cross-heading above regulation 11A with:

### *Use of moorings*

#### 11A Permission to use mooring

A person must not use a mooring without obtaining permission from the harbourmaster.

## 10 Regulation 12 replaced (Term and validity of permits)

Replace regulation 12 with:

**12 Permits and permissions: validity, term, and fees**

- (1) Subject to this regulation, a ramp permit, berthing permit, or mooring permission is valid for the relevant period set out in Schedule 1.
- (2) A permit or permission for the commercial or private use of the relevant maritime facility is valid only if the relevant fee set out in Schedule 1 has been paid.
- (3) For the purposes of subclause (2),—
  - (a) the fee for a ramp permit must be paid to the harbourmaster or a person authorised to issue a permit under regulation 5(b); and
  - (b) the fee for a berthing permit or a mooring permission must be paid to the harbourmaster.

**11 Regulation 15 amended (Fees)**

In regulation 15(2), replace “inclusive” with “exclusive”.

**12 New Schedule 1AA inserted**

Insert the Schedule 1AA set out in Schedule 1 of these regulations as the first schedule to appear after the last regulation of the principal regulations.

**13 Schedule 1 replaced**

Replace Schedule 1 with the Schedule 1 set out in Schedule 2 of these regulations.

**14 Schedule 2 amended**

In Schedule 2, amend the form as follows:

- (a) in the authorisation, replace “*Taupo*” with “*Taupō*”:
- (b) in the address block, replace “Taupo” with “Taupō”:
- (c) under the heading **Berth area applied for (only 1 area per application)**,—
  - (i) replace “Taupo” with “Taupō”; and
  - (ii) delete “Tokaanu”:
- (d) under the heading **Supporting documents checklist**, replace “Taupo” with “Taupō” in each place:
- (e) in note 7, replace “Taupo” with “Taupō” in each place.

**Schedule 1**  
**New Schedule 1AA inserted**

r 12

**Schedule 1AA**  
**Transitional, savings, and related provisions**

r 3A

**Part 1**  
**Provisions relating to Lake Taupō (Crown Facilities, Permits, and Fees) Amendment Regulations 2019**

**1 References to previous title**

Every reference in any enactment and in any document to the Lake Taupo (Crown Facilities, Permits and Fees) Regulations 2004 must, unless the context otherwise provides, be read as a reference to the Lake Taupō (Crown Facilities, Permits, and Fees) Regulations 2004.

**2 Annual berthing permits at Tokaanu**

- (1) This clause applies if a person—
- (a) held an annual berthing permit (bow-in berthing) for the Tokaanu berthing facility for the 2018/2019 year; and
  - (b) holds an annual berthing permit (parallel berthing) for the Motuoapa berthing facility for the 2019/2020 year.
- (2) Despite the replacement of Schedule 1 of the principal regulations by regulation 12 of the Lake Taupō (Crown Facilities, Permits, and Fees) Amendment Regulations 2019, the fee for the permit referred to in subclause (1)(b) is the same as the fee for the permit referred to in subclause (1)(a).

## Schedule 2

### Schedule 1 replaced

r 13

<b>Schedule 1</b>			
<b>Fees for use of facilities</b>			
rr 5, 7, 12, 15			
<i>Ramp permits</i>			
<b>Type of permit</b>	<b>Period for which issued</b>	<b>Fee per craft (\$)</b>	
Any ramp permit	24 hours or less	5.22	
	2 weeks	37.39	
	12 months	95.65	
<i>Berthing permits</i>			
<b>Location of berth</b>	<b>Type of berthing</b>	<b>Period for which issued</b>	<b>Fee (\$)</b>
<i>Short-term permits</i>			
Any berthing facility	any type	24 hours or less	34.78
		1 week	173.91
		1 month	347.83
<i>Annual permits</i>			
Motuoapa berthing facility	parallel, berth more than 12.5 m in length	12 months	4,243.48
	parallel, berth 12.5 m or less in length	12 months	297.39 per m of berth length
Nukuhau berthing facility	bow-in or stern-in, berth 3 m or more in width (access jetty included)	12 months	2,347.83
	bow-in or stern-in, berth 3 m or more in width (access jetty not included)	12 months	2,000.00
	bow-in or stern-in, berth less than 3 m in width (access jetty included)	12 months	1,565.22
	bow-in or stern-in, berth less than 3 m in width (access jetty not included)	12 months	1,304.35
Taupō berthing facility	parallel, berth more than 12.5 m in length	12 months	4,243.48
	parallel, berth 12.5 m in length	12 months	3,713.04
	parallel, berth less than 12.5 m in length	12 months	297.39 per m of berth length
	bow-in or stern-in, berth 3 m or more in width (access jetty included)	12 months	2,864.34
	bow-in or stern-in, berth 3 m or more in width (access jetty not included)	12 months	2,440.00

Location of berth	Type of berthing	Period for which issued	Fee (\$)
	bow-in or stern-in, berth less than 3 m in width (access jetty included)	12 months	1,909.57
	bow-in or stern-in, berth less than 3 m in width (access jetty not included)	12 months	1,591.30
<i>Mooring permission</i>			
	<b>Period for which permission granted</b>		<b>Fee (\$)</b>
	1 month		53.04

Michael Webster,  
Clerk of the Executive Council.

### 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 November 2019, amend the Lake Taupo (Crown Facilities, Permits and Fees) Regulations 2004 (the **principal regulations**) by—

- increasing fees for permits and permission to use maritime facilities owned or operated by the Crown:
- clarifying that fees are required only for commercial or recreational use of those facilities when the facilities are available for use:
- removing permits and fees for use of berthing facilities at Tokaanu:
- removing mooring permits (while still imposing a fee for permission to use moorings):
- redefining various maritime facilities to align more closely with section 33W of the Maritime Transport Act 1994:
- revoking the obligation of the harbourmaster to refund fees when a berthing facility is unusable for more than 30 consecutive days:
- prescribing GST-exclusive fees:
- replacing “Taupo” with “Taupō” throughout, including by renaming the principal regulations the Lake Taupō (Crown Facilities, Permits, and Fees) Regulations 2004:
- making transitional provision for the fees to be paid by persons who used to berth at Tokaanu and now berth at Motuoapa.

### **Regulatory impact assessment**

The Department of Internal Affairs produced a regulatory impact analysis: cost recovery impact statement on 12 June 2019 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact analysis can be found at—

- <https://www.dia.govt.nz/Resource-material-Regulatory-Impact-Statements-Index#four>
- <http://www.treasury.govt.nz/publications/informationreleases/ria>

Issued under the authority of the Legislation Act 2012.

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These regulations are administered by the Department of Internal Affairs.