

Reprint
as at 1 December 2020



Lake Taupō (Crown Facilities, Permits, and Fees) Regulations 2004 (SR 2004/140)

Regulations title: replaced, on 1 November 2019, by regulation 4 of the Lake Taupō (Crown Facilities, Permits, and Fees) Amendment Regulations 2019 (LI 2019/217).

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.

Contents

		Page
1	Title	2
2	Commencement	2
2A	Application: Crown-owned facilities only	3
3	Interpretation	3
3A	Transitional, savings, and related provisions	5

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

These regulations are administered by the Department of Internal Affairs.

<i>Ramp permits</i>		
4	Permit required to use ramp	5
5	Authority to issue ramp permit	5
<i>Berthing permits</i>		
6	Permit required to use berthing facility	5
7	Issue of berthing permit	5
8	Conditions applying to berthing permits	6
9	Cancellation of berthing permits	6
10	Modification of berthing permit	6
11	Berthing facility that becomes unusable	6
<i>Use of moorings</i>		
11A	Permission to use mooring	7
11B	Transfer or modification of mooring permit [<i>Revoked</i>]	7
<i>Term and validity</i>		
12	Permits and permissions: validity, term, and fees	7
<i>Offences and penalties</i>		
13	Offences and penalties	8
14	Penalty	8
<i>Fees</i>		
15	Fees	8
Schedule 1AA		
Transitional, savings, and related provisions		9
Schedule 1		
Fees for use of facilities		10
Schedule 2		
Application for berthing permit		12

Regulations

1 Title

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

Regulation 1: replaced, on 1 November 2019, by regulation 4 of the Lake Taupō (Crown Facilities, Permits, and Fees) Amendment Regulations 2019 (LI 2019/217).

2 Commencement

These regulations come into force on 1 July 2004.

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.

Regulation 2A: inserted, on 1 November 2019, by regulation 5 of the Lake Taupō (Crown Facilities, Permits, and Fees) Amendment Regulations 2019 (LI 2019/217).

3 Interpretation

In these regulations, unless the context otherwise requires,—

berthing facility means a wharf, jetty, breastwork, or similar work

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

enforcement officer means a person appointed to be an enforcement officer for the lake under Part 3A of the Maritime Transport Act 1994

fee means the fee for the relevant permit or permission set out in Schedule 1

harbourmaster means a person appointed to be a harbourmaster for the lake under Part 3A of the Maritime Transport Act 1994

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 Taupō; 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 Taupō and the Huka Falls

mooring means any weight or article placed in or on the foreshore or the bed of a waterway for the purpose of securing a vessel, raft, aircraft, or floating structure, and—

- (a) includes any chain, wire, rope, buoy, or other device attached or connected to the weight; but
- (b) excludes an anchor that is removed with the vessel, raft, aircraft, or floating structure when it leaves the site or anchorage

mooring permission means a permission granted under regulation 11A to use a mooring

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 provided for launching craft into the lake or taking craft out of the lake

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.

Regulation 3 **berthing facility**: amended, on 1 November 2019, by regulation 6(1) of the Lake Taupō (Crown Facilities, Permits, and Fees) Amendment Regulations 2019 (LI 2019/217).

Regulation 3 **Crown facility**: revoked, on 1 November 2019, by regulation 6(2) of the Lake Taupō (Crown Facilities, Permits, and Fees) Amendment Regulations 2019 (LI 2019/217).

Regulation 3 **enforcement officer**: amended, on 23 October 2013, by section 90 of the Maritime Transport Amendment Act 2013 (2013 No 84).

Regulation 3 **fee**: amended, on 1 November 2019, by regulation 6(3) of the Lake Taupō (Crown Facilities, Permits, and Fees) Amendment Regulations 2019 (LI 2019/217).

Regulation 3 **harbourmaster**: amended, on 23 October 2013, by section 90 of the Maritime Transport Amendment Act 2013 (2013 No 84).

Regulation 3 **lake** paragraph (a): amended, on 1 November 2019, by regulation 6(4) of the Lake Taupō (Crown Facilities, Permits, and Fees) Amendment Regulations 2019 (LI 2019/217).

Regulation 3 **lake** paragraph (d): amended, on 1 November 2019, by regulation 6(4) of the Lake Taupō (Crown Facilities, Permits, and Fees) Amendment Regulations 2019 (LI 2019/217).

Regulation 3 **mooring**: inserted, on 14 July 2017, by regulation 4 of the Lake Taupo (Crown Facilities, Permits and Fees) Amendment Regulations 2017 (LI 2017/153).

Regulation 3 **mooring permission**: inserted, on 1 November 2019, by regulation 6(5) of the Lake Taupō (Crown Facilities, Permits, and Fees) Amendment Regulations 2019 (LI 2019/217).

Regulation 3 **mooring permit**: revoked, on 1 November 2019, by regulation 6(2) of the Lake Taupō (Crown Facilities, Permits, and Fees) Amendment Regulations 2019 (LI 2019/217).

Regulation 3 **ramp**: replaced, on 1 November 2019, by regulation 6(6) of the Lake Taupō (Crown Facilities, Permits, and Fees) Amendment Regulations 2019 (LI 2019/217).

3A Transitional, savings, and related provisions

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

Regulation 3A: inserted, on 1 November 2019, by regulation 7 of the Lake Taupō (Crown Facilities, Permits, and Fees) Amendment Regulations 2019 (LI 2019/217).

Ramp permits

Heading: inserted, on 14 July 2017, by regulation 5 of the Lake Taupo (Crown Facilities, Permits and Fees) Amendment Regulations 2017 (LI 2017/153).

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.

Berthing permits

Heading: inserted, on 14 July 2017, by regulation 6 of the Lake Taupo (Crown Facilities, Permits and Fees) Amendment Regulations 2017 (LI 2017/153).

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) *[Revoked]*

- (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.

Regulation 11(1)(b): revoked, on 1 November 2019, by regulation 8 of the Lake Taupō (Crown Facilities, Permits, and Fees) Amendment Regulations 2019 (LI 2019/217).

Use of moorings

Heading: replaced, on 1 November 2019, by regulation 9 of the Lake Taupō (Crown Facilities, Permits, and Fees) Amendment Regulations 2019 (LI 2019/217).

11A Permission to use mooring

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

Regulation 11A: replaced, on 1 November 2019, by regulation 9 of the Lake Taupō (Crown Facilities, Permits, and Fees) Amendment Regulations 2019 (LI 2019/217).

11B Transfer or modification of mooring permit

[Revoked]

Regulation 11B: revoked, on 1 November 2019, by regulation 9 of the Lake Taupō (Crown Facilities, Permits, and Fees) Amendment Regulations 2019 (LI 2019/217).

Term and validity

Heading: inserted, on 14 July 2017, by regulation 7 of the Lake Taupo (Crown Facilities, Permits and Fees) Amendment Regulations 2017 (LI 2017/153).

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.

Regulation 12: replaced, on 1 November 2019, by regulation 10 of the Lake Taupō (Crown Facilities, Permits, and Fees) Amendment Regulations 2019 (LI 2019/217).

Offences and penalties

Heading: inserted, on 14 July 2017, by regulation 7 of the Lake Taupo (Crown Facilities, Permits and Fees) Amendment Regulations 2017 (LI 2017/153).

13 Offences and penalties

- (1) Every person commits an offence and is liable on 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 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.

Regulation 13(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Regulation 13(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

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.

Fees

Heading: inserted, on 14 July 2017, by regulation 8 of the Lake Taupo (Crown Facilities, Permits and Fees) Amendment Regulations 2017 (LI 2017/153).

15 Fees

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

Regulation 15(1): amended, on 14 July 2017, by regulation 9 of the Lake Taupo (Crown Facilities, Permits and Fees) Amendment Regulations 2017 (LI 2017/153).

Regulation 15(2): amended, on 1 November 2019, by regulation 11 of the Lake Taupō (Crown Facilities, Permits, and Fees) Amendment Regulations 2019 (LI 2019/217).

Schedule 1AA

Transitional, savings, and related provisions

r 3A

Schedule 1AA: inserted, on 1 November 2019, by regulation 12 of the Lake Taupō (Crown Facilities, Permits, and Fees) Amendment Regulations 2019 (LI 2019/217).

Part 1

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

Schedule 1AA Part 1: inserted, on 1 November 2019, by regulation 12 of the Lake Taupō (Crown Facilities, Permits, and Fees) Amendment Regulations 2019 (LI 2019/217).

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.

Schedule 1AA clause 1: inserted, on 1 November 2019, by regulation 12 of the Lake Taupō (Crown Facilities, Permits, and Fees) Amendment Regulations 2019 (LI 2019/217).

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 1AA clause 2: inserted, on 1 November 2019, by regulation 12 of the Lake Taupō (Crown Facilities, Permits, and Fees) Amendment Regulations 2019 (LI 2019/217).

Schedule 1

Fees for use of facilities

rr 5, 7, 12, 15

Schedule 1: replaced, on 1 November 2019, by regulation 13 of the Lake Taupō (Crown Facilities, Permits, and Fees) Amendment Regulations 2019 (LI 2019/217).

Ramp permits

Type of permit	Period for which issued	Fee per craft (\$)
Any ramp permit	24 hours or less	5.22
	2 weeks	37.39
	12 months	95.65

Berthing permits

Location of berth	Type of berthing	Period for which issued	Fee (\$)
<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
	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

Mooring permission

Period for which permission granted	Fee (\$)
1 month	53.04

Schedule 2
Application for berthing permit

r 6

Form

Application for berthing permit

Regulation 6, Lake Taupō (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
Taupō

Applicant(s): Initials:
Initials:

(see note 3)

Address:

Telephone numbers:

Private:
Business:
Mobile:

Berth area applied for (only 1 area per application)

(delete if not applicable):

Taupō
Motuoapa

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:

Length (metres):

Beam (metres):

Name:

Applicant's signature:

Date:

Accounting details:

Charge for berth \$

Receipt number:

Supporting documents checklist

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

Boating on Lake Taupō

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) -----

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.
- 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 2020: The particulars in this form that relate to individuals is personal information in terms of the Privacy Act 2020. This information is collected by the Lake Taupō harbourmaster so that your application for a berthing facility can be considered under the Lake Taupō (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.

Schedule 2 form: amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Schedule 2 form: amended, on 1 November 2019, by regulation 14(a) of the Lake Taupō (Crown Facilities, Permits, and Fees) Amendment Regulations 2019 (LI 2019/217).

Schedule 2 form: amended, on 1 November 2019, by regulation 14(b) of the Lake Taupō (Crown Facilities, Permits, and Fees) Amendment Regulations 2019 (LI 2019/217).

Schedule 2 form: amended, on 1 November 2019, by regulation 14(c)(i) of the Lake Taupō (Crown Facilities, Permits, and Fees) Amendment Regulations 2019 (LI 2019/217).

Schedule 2 form: amended, on 1 November 2019, by regulation 14(c)(ii) of the Lake Taupō (Crown Facilities, Permits, and Fees) Amendment Regulations 2019 (LI 2019/217).

Schedule 2 form: amended, on 1 November 2019, by regulation 14(d) of the Lake Taupō (Crown Facilities, Permits, and Fees) Amendment Regulations 2019 (LI 2019/217).

Schedule 2 form: amended, on 1 November 2019, by regulation 14(e) of the Lake Taupō (Crown Facilities, Permits, and Fees) Amendment Regulations 2019 (LI 2019/217).

Schedule 2 form: amended, on 27 July 2012, by regulation 5 of the Lake Taupo (Crown Facilities, Permits and Fees) Amendment Regulations 2012 (SR 2012/187).

Diane Morcom,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 3 June 2004.

Reprints notes

1 *General*

This is a reprint of the Lake Taupō (Crown Facilities, Permits and Fees) Regulations 2004 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Privacy Act 2020 (2020 No 31): section 217

Lake Taupō (Crown Facilities, Permits, and Fees) Amendment Regulations 2019 (LI 2019/217)

Lake Taupo (Crown Facilities, Permits and Fees) Amendment Regulations 2017 (LI 2017/153)

Maritime Transport Amendment Act 2013 (2013 No 84): section 90

Criminal Procedure Act 2011 (2011 No 81): section 413