

proposed amendments to the navigation, water transport and maritime safety bylaw charges 2009

Introduction

A Statement of Proposal and the special consultative procedure is required pursuant to Sections 83, 86 and 156 of the Local Government Act 2002 in order that any clauses of the **Navigation, Water Transport and Maritime Safety Bylaw Charges 2009**, adopted in June 2009, may be amended and the Bylaw Charges re-adopted.

Section 156 of the Act requires that a bylaw or an amendment to an existing bylaw be made pursuant to the special consultative procedure set out in Section 83. That section requires both a Statement of Proposal, and a summary of the information to be prepared, with the summary to be circulated widely and publicly notified. The full Statement of Proposal must be available for public inspection at all offices of the Council during the submission period.

Section 86 requires that a draft of the full bylaw to be amended be included in the Statement of Proposal, setting out the reasons for the proposal and whether a bylaw is an appropriate mechanism pursuant to Section 155.

Reasons for the Proposal

It is proposed to remove the fees set out in Clause 10(a) – (f) **Hātea River Channel Fees**. The user charges were introduced in 2008-2009 to recover \$100,000 budgeted cost for the upgrade of aids to navigation (new buoys and beacons and replacement of existing lights). The user charges were set to recover the \$100,000 over a three year period. The proposed removal of these user charges reflect the fact that the Hātea River Dredging project came in under budget and these user charges in the third and final year of application are no longer required for cost recovery.

It is further proposed to amend Section 7(c): **Pilotage fees for ships visiting the Bay of Islands when the vessel's GRT is less than 500**. This is to acknowledge the application of pilotage fees will only apply to ships where the vessel's is more than 100 GRT. The threshold was inadvertently omitted from the current bylaw.

There are no other proposed changes to the bylaw.

This bylaw amendment is made pursuant to the bylaw provisions of the Local Government Act for setting fees and charges as mandated by Section 684B(h)(i)-(iii) of the Local Government Act 1974 (Part 39A Navigation), saved in Schedule 18 of the Local Government Act 2002. It is the most cost effective way of recovering the costs arising from the regulation of recreational maritime activities and commercial shipping as appropriate.

The draft bylaw is as follows:

Proposed Navigation, Water Transport and Maritime Safety Bylaw Charges 2010

These bylaws shall be known as the Northland Regional Council Navigation, Water Transport and Maritime Safety Bylaw Charges 2010:

1. These bylaws shall apply throughout the region of the Council.
2. In these bylaws, unless the context otherwise requires:

"Maritime facility" means any jetty, jetty berth, wharf, ramp, slipway, boatshed, marina berth, pontoon or pile or swing mooring, whether private, commercial or a recreational public facility.

"Owner" includes:

- (a) in relation to a vessel, the agent of the owner and also a charterer; or
- (b) in relation to any dock, wharf, quay, slipway or other maritime facility, means the owner, manager, occupier or lessee of the dock, wharf, quay, slipway or other maritime facility.

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3. Navigation Safety Bylaw Fees

For the period specified hereunder and for each year thereafter until amended or superseded by a subsequent bylaw charge, the owner of every maritime facility in the Region shall pay to the Council an annual navigation fee fixed herein.

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(a) The navigation fee shall be payable on the number of berths available at the maritime facility, whether or not all berths are used. The Council's Harbourmaster shall determine the number of berths available at any maritime facility.	
(b) (1) For every jetty, jetty berth, boatshed, ramp, minor slipway, private pontoon, pile and swing moorings and berths in marinas containing 24 berths or less.	\$50.00
(2) For every berth holder not otherwise included herein a fee for the recovery of the cost of the navigation safety equipment in the upper Hātea River, per berth.	\$50.00
(3) (a) For every berth in marinas containing more than 75 berths, provided that if the fee is not paid within 60 days of invoice, the fee shall revert to \$50.00 per berth.	\$40.00
(b) For every berth in marinas containing 24 or more, but less than 75 berths, provided that if the fee is not paid within 60 days of invoice, the fee shall revert to \$50.00 per berth.	\$46.00
(4) Boatsheds, per additional berth.	\$50.00
(5) Community and boating club structures, jetties and private accommodation in the coastal marine area.	\$50.00
(6) Marine farms.	\$50.00
(7) High use structures and jetties, marine-related, not more than 300 m ² in plan area within the coastal marine area.	\$300.00
(8) High use commercial slipways with a maximum capacity of less than 50 tonnes.	\$300.00
(9) High use structures and jetties, marine-related and more than 300m ² but not more than 1,000m ² in plan area within the coastal marine area.	\$1,300.00
(10) High use structures and jetties, marine-related and more than 1,000m ² in plan area within the coastal marine area.	\$2,300.00
(11) High use commercial slipways with a maximum capacity of more than 50 tonnes.	\$2,300.00
(12) Commercial vessels operating in Northland harbours not serviced by a port company, as defined in the Port Companies Act 1988.	
(a) Intra harbour movements between harbours under control of the Council are to be charged half rate out and half rate in at each harbour.	
(b) Butter, skim milk, buttermilk, whole milk powder casein per tonne.	\$0.53
(c) Cement, coal, coke, diatomaceous earth, fireclay, kaolin, gypsum glass (sheet or plate) per tonne.	\$1.23
(d) Phosphate rock, sulphur, potash per tonne.	\$1.23
(e) Gravel, shingle, lime rock, lime, dolomite, serpentine rock, clinker, soda ash. Other manures and fertilisers, silica sand (<80% silica) per tonne or m ³ as appropriate.	\$1.00
(f) Meats and fish, fresh, frozen or chilled, other agriculture produce, vegetables, fresh fruit per tonne.	\$0.53
(g) Timber (sawn hewn or in logs) per cubic metre.	\$1.16
(h) Wood chips per BDU. Paper per tonne; wood pulp per tonne.	\$1.16
(i) Bitumen, refining residues, crude oil, naphtha, syngas per 1,000 litres.	\$1.60
(j) Motor spirits, diesel oil, jet fuel, kerosene per 1,000 litres.	\$1.54
(k) Refined oil products for overseas export per 1,000 litres.	\$0.53
(l) Other sand per tonne.	\$0.26
(m) Empty containers.	\$13.18
(n) Motor vehicles and trailers up to 4 tonnes per vehicle.	\$17.77
Over 4 tonnes per vehicle.	\$31.11
(o) Livestock per head.	\$1.00

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- (13) Where any sum becomes due and owing to the Council pursuant to the provisions of bylaw clause (3)(b)(1) and remains unpaid for a period of one calendar month, the Council may remove and hold the facility until such time as the sum owing is paid, together with any expenses incurred in lifting any pile, mooring or movable facility.

4. Hot Work Permits

For vessels alongside wharves or at anchor, per permit \$70.00

5. Safe Operating Licences

For all Northland harbours, unpowered craft not subject to a maritime rule and available for lease or hire, including: dinghies, kayaks, canoes, aqua-cycles, surf cats or similar commercially available craft, an inspection fee to verify the adequacy of flotation and safety equipment, up to one hour. \$70.00

Where inspection time exceeds one hour, the charge shall be at the rate of \$70.00 per hour plus vehicle running costs at the rates approved from time to time by the Inland Revenue Department.

6. Jet Ski Registration Fees

As resolved and prescribed by the Auckland Regional Council which undertakes this function on behalf of the Northland Regional Council under delegated authority.

7. (a) Pilotage

(i) Inwards/outwards to wharf, Ōpua – per visit:

Where GRT is greater than 500 but less than 1000 \$1,500.00

Where GRT is greater than 1000 but less than 18000 \$2,900.00

(ii) Ships to anchor in Bay of Islands – per visit:

Where GRT is greater than 500 but less than 1000 \$1,500.00

Where GRT is greater than 1000 but less than 18000 \$2,900.00

Where GRT is greater than 18000 but less than 40000 \$3,400.00

Where GRT is greater than 40000 but less than 100000 \$3,800.00

Where GRT is greater than 100000 \$4,200.00

(b) Shipping – Navigation and Safety Services Fee

Per ship visiting the Bay of Islands regardless of which pilotage organisation or company actually services the vessel:

Where GRT is less than 3000 \$1.00/GRT

Where GRT is greater than 3000 but less than 18000 \$2,900.00

Where GRT is greater than 18000 but less than 40000 \$3,200.00

Where GRT is greater than 40000 but less than 100000 \$3,500.00

Where GRT is greater than 100000 \$4,000.00

(c) Shipping – Navigation and Safety Services Fee

Per ship visiting the Bay of Islands when the Master is exempt from compulsory pilotage:

Up to 3000 GRT \$1.00/GRT

Per ship visiting the Bay of Islands when the vessel's GRT is more than 100 and less than 500:

From 100 to 500 GRT \$1.00/GRT

(d) Shipping – Navigation and Safety Services Fee

Per ship visiting Whangaroa Harbour except when the ship is also visiting the Bay of Islands during the same voyage: \$1,000.00

8. Navigation and Safety Services Fee

(a) North Port Ltd \$110,000.00

(b) Swing/pile moorings (non consented) outside Marine 4 Management Areas (in addition to the navigation fee) \$75.00

(c) Swing/pile moorings within Marine 4 Management Areas which meet the permitted activity criteria (in addition to the navigation fee) \$75.00

(d) For water transport operators not serviced by a port company, at actual time and cost.

(e) Where the actual costs on a labour time and plant recovery basis exceed the annual fee, the Council will recover any balance on an actual cost basis.

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9. Special Events

Clause 3.10 of the Navigation Safety Bylaw 2007 states that any person intending to conduct a race, speed trial, competition or other organised water activity in any area to which the Bylaw applies may apply in writing to the Harbourmaster to:

- (a) temporarily suspend the application of Clause 3.2 (Speed of Vessels) in that area during the conduct of the race, speed trial, competition or other organised water activity; and
- (b) temporarily reserve the area for the purpose of that activity Special Event processing fee \$140.00

The Council shall recover from the applicant all actual and reasonable costs incurred in arranging for the publication of a public notice. These costs are additional to the above fee.

10. All navigation and other fees specified herein are exclusive of Goods and Services Tax.

11. These bylaw fees shall apply for the period 1 July 2010 to 30 June 2011 and will continue to apply until superseded by a subsequent bylaw charge fixed by resolution and publicly notified or by the review required by Section 158 of the Local Government Act 2002.

The bylaws will be sealed, publicly notified pursuant to the Local Government Act 2002 and confirmed at a meeting of the Council on 16 June 2010. Following confirmation, the bylaws will come into force on 1 July 2010.

Submissions on the proposed changes to this Bylaw are invited by 3.00pm, 10 May 2010 using the submission form on page 17 of this Plan.