

**QLDC Council
24 September 2015**

Report for Agenda Item: 1

Department: Legal and Regulatory

Review of Waterways and Ramp Fees Bylaw 2014

Purpose

- 1 To consider amendments to the Queenstown Lakes District Waterways and Ramp Fees Bylaw 2014, to enable the special consultative procedure to commence.

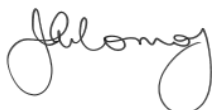
Executive Summary

- 2 Council adopted the Queenstown Lakes District Council Waterways and Ramp Fees Bylaw in June 2014 to commence 1 October 2014.
- 3 Following its adoption, a number of minor concerns have been raised regarding: (a) charging a renewal fee in addition to a mooring fee, (b) the requirement to insure moorings and (c) the cost of mooring renewals when they are two-yearly.
- 4 The proposed amendments in this report address these concerns and set the charges for commercial moorings, structures and activities on Council structures.

Recommendation

- 5 That Council:
 - a. **Note** the contents of this report;
 - b. **Approve** the amendments to the Queenstown Lakes District Waterways and Ramp Fees Bylaw 2014 for public consultation using the special consultative procedure.
 - c. **Appoint** three Councillors [to be named] to participate in a hearing panel to consider and hear submissions on the proposed amendments to the Queenstown Lakes District Waterways and Ramp Fees Bylaw 2014.

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21/08/2015

Reviewed and Authorised by:



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8/09/2015

Background

- 6 On 26 June 2014 Council adopted item 7, the Queenstown Lakes District Waterways and Ramp Fees Bylaw in 2014 <http://www.qldc.govt.nz/council-online/council-documents/agendas-and-minutes/full-council-agendas/2014-full-council-agendas/26-june-2014/> Schedule 1 of the Bylaw relates to fees charged for private moorings and structures, the use of Council boat ramps and the use of Council owned and controlled structures by commercial operators.
- 7 Five issues have arisen following the introduction of the bylaw on 1 October 2014, these are:
- The application fee and permit renewal fee” of \$120 per private mooring, charged on top of the mooring permit fee;
 - Moorings fees being charged every two years rather than annually;
 - No fee for commercial maritime structures has been set;
 - Section 10(1)(f) of the bylaw requires the applicant to produce an insurance certificate for craft, the mooring or both the craft and the mooring”; and
 - No fee for commercial activity permits has been set.
- 8 There has been concern expressed about the renewal fee for existing moorings on top of the \$332.50 mooring fee, which were to be renewed every two years. The \$120 is an administration fee, while the mooring fee is used to offset the costs of managing the waterways.
- 9 As at 31 July 2015, mooring fees paid for the period 1 October 2014 to 30 June 2016 are:
- | | |
|-------------|-----|
| Fully paid | 246 |
| Partly paid | 41 |
| No payment | 13 |
- Of those who have partly paid, approximately 15 (5%) have paid the mooring fees but not the \$120 renewal fee.
- 10 Following implementation of the bylaw, it was identified that setting the waterways fees through the annual plan process was not appropriate. As no fee was specified for commercial structures and moorings last year, they were charged at the private rate. However, consideration should now be given to a fee for commercial structures and moorings so that the bylaw can be applied appropriately.
- 11 The commercial activity fee has not been applied since the introduction of the bylaw as no fee has been specified and no permits have been issued. An annual fee of \$500 was charged up until 2014 to approximately 12-15 commercial users of Council jetties.
- 12 The bylaw requires mooring owners to insure the craft, the mooring or both. The intention was to cover costs to remove sunken craft attached to the moorings but the wording in the bylaw requires owners who don't have a boat to insure the mooring. This has caused concern as some people have not been able to insure their moorings (it is not a policy offered by most insurance companies).

Comment

13 The expenses for waterways services in the 14/15 year were \$685,059.

14 Annual income for waterways in the 14/15 year was:

Item	Income (excl GST)
Moorings and structures	\$107,033
Ramp fees	\$ 32,553
Concessions	\$621,687
Other Income	\$ 7,663
Total	\$769,936

Table 1- Income for 14/15 year

15 The long term financing and revenue statement for waterways anticipates that 60% of the cost of waterways control will be covered by the Shotover Jet concession (covering the public benefit element) and 40% covered by private waterways users. 65% of the costs of waterways facilities will be covered by the Shotover Jet concession while 35% will be paid by private users.

16 Using last year's expenses this would mean:

Waterways Control Expenses	\$414,892
35% Private benefit	\$145,212
65% Concession	\$269,680
Waterways facilities Expenses	\$270,167
40% Private benefit	\$ 108,067
60% Concession	\$162,100

17 The goal of the both the 10-Year Plan and the Waterways and Ramp Fees Bylaw are to recover the total private and commercial user's contributions e.g. \$253,279 (based on last year's figures).

Renewal Fees

18 Mooring fees were invoiced in 2014, which initially omitted the renewal fee and resulted in a separate invoice being sent. This resulted in a number of mooring owners complaining that they should not have to pay an administration/renewal fee on top of the mooring fee.

19 The renewal fee is intended to cover the cost of generating invoices, receiving and reconciling payments, reminder notices about unpaid fees and the issue of the permit documents. The cost of this administration is included in the

application fee detailed above, and is therefore included in the annual income calculation, without a need for a separate charge unless it is for a new application.

Two Yearly Fees

- 20 There was concern expressed about the charge being two-yearly rather than annual. The two-yearly fee was intended to reduce administration time but has resulted in a higher than anticipated level of unpaid fees, so increasing the administration time required recovering these. All other fees are annual and it would be consistent to revert to an annual charge as previously undertaken.
- 21 Therefore the cost of a private mooring would be \$190 (including GST) for an annual permit (down from \$452.50 for two years). At this figure the total annual income for private moorings will be \$54,910 including GST.
- 22 The new fees would apply from 1 July 2016. No refund of the administration fee charged in 2014 is anticipated.

Commercial Structure Fees

- 23 Commercial structures have been charged the private fee for 2014 as no fee was set in the annual plan. Jetties are attached to an area of foreshore (either Council or DOC owned) and there is a private and commercial benefit for the owners of those jetties where they are being used for commercial gain.
- 24 The value of the jetty relates to the commercial operation and to the location it occupies. For example, a jetty in Queenstown Bay gives the owner or occupier a distinct commercial advantage that is not enjoyed by the occupier of a jetty in (for example) Glenorchy.
- 25 It is proposed that the fee for commercial structures includes a location element that would result in jetties in the most commercially beneficial locations being charged a higher fee than those in remote locations.
- 26 The location fee has been established using the value of the land immediately adjacent to the structure. "Immediately adjacent" means the rateable value or market value of the land to which the jetty is attached.
- 27 As the land value at some locations is very low, it is proposed that there is a minimum fee to cover waterways and administration costs based on the size of the structure (all fees per annum inclusive of GST):

Up to 15m ²	\$ 660
15-28m ²	\$ 880
28-56m ²	\$1,100
57-84m ²	\$1,320
Over 84m ²	\$1,540

28 Please note in particular the following:

- a) The location fee is calculated as 4.25% of the adjacent land value. This figure has been determined to be fair and reasonable in meet the income figure according to the 10-Year Plan.
- b) The figures include the jetties that are covered by agreements other than the Waterways and Ramp Fees Bylaw (for example the finger jetties in Queenstown Bay). At the moment the rent for those structures is determined by their agreements (based on “market value”) and while the bylaw may reflect market value, the rents cannot be changed simply because the bylaw fees change. However, as the bylaw stipulates that when these agreements expire, they should be covered by the bylaw, it is advisable to consider the effect of the proposed fees on these structures and include them in the calculations.
- c) Jetties owned by accommodation providers have been considered commercial where greater than 50% of the occupancy is holiday accommodation.

Commercial Mooring Fees

29 The justification for a higher fee for commercial moorings is based on higher usage of the waterways and therefore higher charges for the recovery of waterways expenses. Private mooring fees are set at \$190 (including GST) per annum. While there are relatively few commercial moorings (currently only eight), it is appropriate that these fees are higher than the private fees. Therefore it is proposed that the commercial mooring fee should be set at \$ 360 (including GST) per annum.

Insurance

30 Clause 10(1)(f) states “a condition requiring the applicant to produce a certificate of currency for a policy of insurance for the craft, the mooring or both the craft and the mooring” which has caused concern with some mooring owners. While most mooring owners own boats, and have those boats insured, some do not. Some of these mooring owners have been unable to secure insurance for the mooring as some insurers do not offer such a policy.

31 It is proposed that the wording of section 10(1)(f) of the Bylaw be amended to state “a condition requiring the applicant to produce a certificate of currency for a policy of insurance for any craft owned by the mooring permit holder”. This would mean that if the mooring owner also owns a boat, then they would be required to have insurance, but if they do not own a boat, then no insurance is required.

Commercial Activity Permit Fees

32 This covers commercial operators who use Council owned structures for their operation. They may or may not also own a mooring or structure, but it is generally accepted that there is a charge for commercial use of public facilities.

33 An annual charge of \$500 was set in the previous bylaw which did not take into account of the size of the craft or operation. While it would be ideal to charge based on the number of uses in a year, it would be difficult to monitor. It is therefore propose that a set fee per annum apply, that reflects the size of the craft (and therefore the number of passengers it can carry/scale of the operation and wear and tear on Council's infrastructure) as follows (including GST):

Craft up to 6 metres in length	\$ 950 per annum
Craft over 6 metres in length	\$1,450 per annum

There are currently 13 operators that would be covered by this fee, all of whom would operate craft over 6 metres.

Summary

34 If the changes identified above are implemented, income would be as follows:

Item	Income (excl GST)
Commercial Structures	122,039
Commercial Moorings	2,504
Commercial Activity Permit	16,391
Private structures	23,916
Private moorings	47,747
Ramp Fees	32,553
Miscellaneous income	7,663
Total income	252,813

Table 2 – Proposed income

Options

35 This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002:

36 Option One: To amend the Queenstown Lakes Waterways and Ramp Fees Bylaw 2014.

Advantages:

37 Reduces the renewal fee for private mooring owners.

38 Sets the renewal fee for moorings annually.

39 Addresses the insurance concerns identified.

40 Sets the commercial fees for moorings and commercial activities fees;

41 Sets the commercial structure fee at a rate that addresses location as well as cost recovery.

42 Ensures fees are set to meet the funding in accordance with the 10-Year Plan.

Disadvantages:

43 Some commercial structure owners may object to the proposed fees.

44 Requires a consultation process to be undertaken.

45 Option Two: Status Quo

Advantages:

46 No further consultation is necessary.

Disadvantages:

47 Fees to be charged to commercial operators are not clear.

48 Mooring owners may object to the renewal fee;

49 The difficulties for mooring owners to insure their mooring remains.

50 This report recommends **option one** for addressing the matters identified, as it addresses the concerns of mooring holders regarding the fees, sets clear pricing for commercial moorings, structure and activities, results in achieving the targeted income, addresses location of commercial structures and results in fees that are consistent with the 10-Year Plan.

Significance and Engagement

51 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because it is of interest to the public, but does not involve a strategic asset.

52 The Special Consultative Procedure must be used to amend, revoke or make a bylaw.

Risk

53 This matter relates to the strategic risk SR3, 'Management practice – working within legislation' and operational risk OR001, 'decrease in revenue' as documented in the Council's risk register.

54 This matter relates to risk SR3 because amending a bylaw requires a special consultative process as detailed in the Local Government Act. The risk is classed as low because due process is being followed. It relates to OR001 as discussed above. The risk is classed as low because the amounts are not significant.

Financial Implications

55 If the recommended fee changes are implemented, the result will be income that offsets expenditure and is in line with the financial targets in the 10 year plan. Assuming the concession income remains at the same level or higher, more of that income can be applied to other costs.

Council Policies, Strategies and Bylaws

56 The following Council policies, strategies and bylaws were considered:

- 10-Year Plan – The Waterways section of the financial plan identifies the need to recover 40% of expenses from private users.
- Queenstown Lakes District Waterways and Ramp Fees Bylaw

The recommended option:

57 Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by contributing to Council's income.

58 Can be implemented through current funding under the 10-Year Plan.

59 Is consistent with the Council's plans and policies; and

60 Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

Consultation: Community Views and Preferences

61 Amending a bylaw requires a special consultative procedure in accordance with the Local Government Act 2002.

Attachments

- A – Calculation of proposed commercial structure fees
- B – Proposed Waterways and Ramp Fees Bylaw (tracked changes)
- C – Current schedule 1
- D – Proposed schedule 1
- E – Statement of Proposal
- F – Summary of Statement of Proposal

Attachment A - Calculation of proposed commercial structure fees

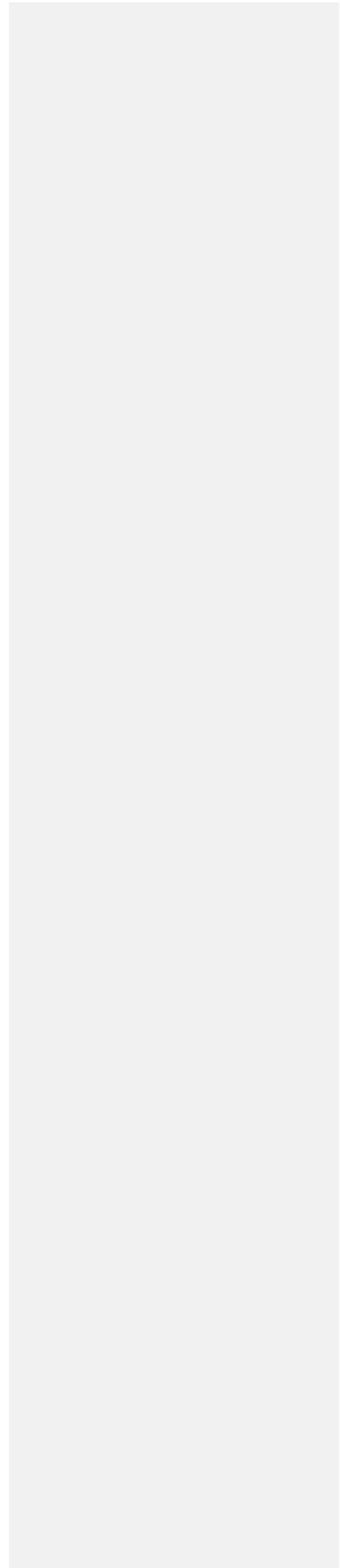
	Owner	Description	Location	Val ref	Value	Area	Rate	Area	Value	Total fee
1	Lakes Marina Projects Ltd	Jetty	Queenstown bay	2910507200	12150000	124869	4.14	21	86.84	\$880
7	Queenstown Wharves LP	Commercial Jetty	Fuel Wharf, Queenstown Bay	2910642100	3300000	14670	9.56	458	4378.63	\$4,379
52	Kawarau Jet	Jetty	Wakatipu Outlet	2910144700	660000	4553	6.16	9	55.45	\$660
53	Kawarau Jet	Jetty	Wakatipu Outlet	2910144700	660000	4553	6.16	24	147.86	\$660
54	Kawarau Jet	Jetty	Wakatipu Outlet	2910144700	660000	4553	6.16	33	203.31	\$660
62	Watersport World Limited	Jetty	Frankton marina	2910331501	1820000	8094	9.56	77	735.85	\$1,320
5	Real Journeys	Jetty	Queenstown Bay	2910646300	2980000	1366	92.72	636	58967.35	\$58,967
85	Real Journeys	Earnslaw Slipway	Kelvin Grove	2909954901	9043000	530302	0.72	387	280.47	\$1,540
86	Real Journeys	Jetty	Walter Peak	2911136200	5400000	427045	0.54	96	51.59	\$1,540
86	Real Journeys	Jetty	Walter Peak	2911136200	5400000	427045	0.54	40	21.50	\$1,100
96	Kawarau Jet	Jetty	Frankton Marina Area	2910331501	1820000	8094	9.56	22	210.24	\$660
119	Dart River Safaries Limited	Comm Jetty	Glenorchy Marina (berth)	2911124101	10000	32500	0.01	14	0.18	\$660
120	Dart River Safaries Limited	Comm Jetty	Glenorchy Marina (jetty)	2911124101	10000	32500	0.01	84	1.10	\$1,320
122	Queenstown Wharves LP	O'Regan Wharf	Queenstown Bay	2910642100	3300000	14670	9.56	617	5898.72	\$5,899
133	Kawarau Hotel	Jetty	Above Kawarau Bridge	2909900108	9500000	22557	17.90	135	2416.38	\$2,416
153	Lake Wakatipu Marina Limit	100BerthMarina	Frankton Marina	2910331501	1820000	8094	9.56	15	143.35	\$660
77	Lakes Marina Projects Limit	Jetty	Narrows By the Gardens	2910507200	12150000	124869	4.14	25	103.38	\$880
78	Lakes Marina Projects Limit	Boatshed & Slipway	Narrows By the Gardens	2910507200	12150000	124869	4.14	50	206.77	\$1,100
90	Dart River Safaries Ltd	Jetty	Glenorchy Marina Jetty	2911124101	10000	32500	0.01	14	0.18	\$660
3	RW & LK Butson	Jetty 1/2 share	Queenstown Bay	2910646300	1720000	1158	63.13	217	6849.18	\$6,849
3	J Lapsley	Jetty 1/2 share	Queenstown Bay	2910646300	1720000	1158	63.13	217	6849.18	\$6,849
83	RW & LK Butson	Jetty	Mt Nicholas	2911135700	3170000	364838	0.37	68	25.11	\$1,320
156	Kawarau Jet	Main Town Pier	Queenstown bay	2910646300	1720000	1158	63.13	288	18180.31	\$18,180
4	Te Anau developments	Jetty	Queenstown bay	2910646300	1720000	1158	63.13	170	10731.43	\$10,731
100	Shotover Jet Queenstown L	Shotover River adj to E	Shotover river	2910720000	2500000	4930	21.55	56	1206.90	\$1,320
101	Skippers Canyon Jet	Shotover River	Shotover River	2910720000	2500000	4930	21.55	40	862.07	\$1,100
186	Lakeland Adventures Limite	Roys Bay, Lake Wanaka	Roys Bay	2905323300	1160000	4416	11.16	9	103.82	\$660
188	Lakeland Adventures Limite	Roys Bay, Lake Wanaka	Roys Bay	2905323300	1160000	4416	11.16	12	133.97	\$660
146	Wanaka Marina	Lake Wanaka	Rays Bay	2905207000	600000	6677	3.82	606	2314.36	\$2,314
91	Kinloch Lodge	Lake Wakatipu	Kinloch	2911122900	29000	59000	0.02	14	0.29	\$660
87	Walter Peak Corporate Trus	Beach Bay, Lake Wakatipu	Walter peak	2911136201	425000	98146000	0.00	12	0.00	660.00
88	Walter Peak Corporate Trus	Lake Wakatipu	Walter peak	2911136201	425000	98146000	0.00	15	0.00	660.00
81	Matakauri Lodge Limited	Lake Wakatipu	300 Mtre west of 7 Mile Creek- Adj to Lot2 DP12816	2907305501	360000	1223000	0.01	71	0.89	\$1,320
99	Blanket Bay lodge	Blanket Bay	Blanket Bay	2907306503	65000	6599	0.42	54	22.60	\$1,100

Totals

Incl GST \$140,345.55

Excl GST \$122,039.61

QUEENSTOWN LAKES DISTRICT
WATERWAYS AND RAMP FEES
BYLAW 2014



PART 1 - PRELIMINARY

1 Title and Commencement

This Bylaw is the "QUEENSTOWN LAKES DISTRICT WATERWAYS AND RAMP FEES BYLAW 2014".

This Bylaw comes into force on 1 October 2014.

2 Area within which Bylaw applies:

This Bylaw applies to the waters, foreshores, lake beds and riverbeds within the territorial boundary of the Queenstown Lakes District Council.

3 Purpose

(1) The purpose of this bylaw is to:

- (a) regulate and control the use or management of permits for the use of maritime structures;
- (b) regulate the placing and maintenance of moorings and maritime structures;
- (c) prescribe fees and charges for the performance of administrative functions.
- (d) prescribe offences and penalties for contravening or permitting a contravention of this bylaw.

4 Bylaw to bind the Crown

Except as provided in section 153 of the Local Government Act 2002, the Crown is bound by the provisions of this bylaw.

5 Delegation

Any of the various powers and functions of the Council as detailed and set out in this Bylaw may be delegated by it to its Chief Executive Officer and sub-delegated by the Chief Executive Officer to any such other Officer of Council or duly appointed Harbourmaster.

6 Interpretation

(1) In this bylaw, unless the context otherwise requires—

commercial activity means

- (a) making a craft available for charter; or
- (b) operating for hire or reward; or
- (c) any other activity from which a person receives or may receive any reward, fee, benefit, or commission from the use of a maritime structure and includes temporary events;

contravene includes fail to comply with;

Council means the Queenstown Lakes District Council;

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 by the Queenstown Lakes District Council;

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

foreshore means the whole or any part of the bed, shore or banks of a lake or a river as are covered or uncovered by the natural, normal and annual rise and fall of the level of the surface of the lake or river water whether caused by natural means or otherwise and includes any bed, shore or bank of any island within such waters and also includes any lakebed and any riverbed and excludes areas flooded by occasional and irregular flood events;

Harbourmaster means a person appointed to be a Harbourmaster for the Queenstown Lakes District 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;

launch facility means a place that -

- (a) is land (whether above or below water) within a 50 metre radius of a ramp; or
- (b) is that part of the foreshore that lies between the water and the Eely Point Reserve legally described as Section 71 Blk XIV Lower Wanaka SD (known as Eely Point); or
- (c) is that part of the foreshore that lies between the water and land legally described as Section 46 Block III Lower Wanaka SD (known as Waterfall Creek);

maintaining means as the context requires – alter, demolish, erect, extend, place, reconstruct, remove, repair a maritime structure or part of a maritime structure in, on, under, or over land located on the foreshore or bed of a lake or river;

maritime structure means any building, equipment, device, wharf, jetty, breastwork, or other device or facility fixed to land (whether or not it is located above or below the waterline) but does not include:

- (a) aids to navigation;
- (b) a mooring;
- (c) temporary structures associated with an event with a permit pursuant to clause 26 of the Queenstown Lakes District Council Navigation Safety Bylaw 2014.

maritime structure permit means a permit or a combination of permits granted under clause 15;

mooring in relation to water, means any weight or article placed in or on the shore or bed of any lake or river for the purpose of securing a craft or any floating structure; and

- (a) Includes any wire, rope, buoy or other device connected to the weight; but
- (b) Does not include an anchor that is normally removed with the craft or floating structure when it leaves the site or anchorage;

mooring permit means a permit issued under clause 8 of this bylaw;

occupy means as the context requires, erecting, placing or maintaining any structure in, on or over the foreshore or bed of a lake or river where a lease or licence to occupy that part of the foreshore of the bed of a lake or river is or would be necessary, irrespective of whether or not such occupation is to the exclusion of all other persons.

ramp in relation to water, means any structure that is—

- (a) provided for launching craft into the water or taking craft out of the water; and
- (b) owned or administered by the Queenstown Lakes District Council;

and includes land, owned or administered by the Council, that lies within 50 metres of a ramp;

ramp permit means a permit issued under clause 7 for the use of a ramp to launch a craft into water or to remove it from water;

Part 2 – Ramp and Launch Permit Required

7 Permit required to use a ramp or launch facility

- (1) A person must not use a ramp to launch a craft into the water or take it out of the water unless there is a valid ramp permit for that craft;
- (2) A person must not at a launch facility, launch a craft into the water or take it out of the water using a trailer unless there is a valid ramp permit for that craft;
- (3) The fee payable for a ramp permit is the fee specified in Schedule 1.

Part 3 - Mooring Permits

8 Mooring permits

- (1) No person may place a mooring in any waters or moor or berth any craft in any navigable waters, unless a mooring permit has been obtained.
- (2) The fee payable for a mooring permit is specified in schedule 1.

9 Consideration of application for a moorings permit

- (1) When considering an application for a moorings permit and the conditions to be imposed under it, the Harbourmaster or the Council may take into account any matter, including but not limited to the following:
 - (a) if the mooring site is located in a mooring zone;
 - (b) if there is adequate space at the mooring site for the proposed mooring and craft;
 - (c) if the mooring is of adequate specifications to accommodate the proposed craft to be moored;
 - (d) if the craft can be safely navigated to and from the mooring site;
 - (e) any public health and safety risks of the mooring site, including if the mooring may diminish the level of safety for other activities in the vicinity, or cause congestion or jostling for position or other unsafe practices;
 - (f) matters relating to the suitability of the applicant to hold a permit;
 - (g) if the applicant has previously been in breach of the permit conditions;
 - (h) if the application fee or permit renewal fee has been paid.

10 Conditions of permit

- (1) The terms and conditions upon which a mooring permit may be granted include, but are not limited to the following:
 - (a) the location of the mooring;
 - (b) the type, size and length of the specified craft that may be attached to the mooring;
 - (c) the design and specifications of the mooring;
 - (d) maintenance requirements;
 - (e) the type of buoy or float with which the owner of a mooring must mark the location of the mooring when it is not being used by a craft;
 - (f) a condition requiring the applicant to produce a certificate of currency for a policy of insurance for ~~any craft owned by the mooring permit holder the craft, the mooring or both the craft and the mooring;~~
- (2) The permit holder as named in the permit shall pay to the Council the application or permit renewal fee specified in schedule 1, together with such permit fee as specified in schedule 1;

11 Maintenance and construction requirements

- (1) The Harbourmaster or the Council may set mooring maintenance and construction guidelines for any type or class of mooring and set controls governing the weight, size and length of mooring components.
- (2) The owner of a swing mooring or a pile mooring must maintain his or her mooring in a proper state of condition and repair and must comply with the mooring guidelines set by the Harbourmaster or the Council.
- (3) The owner of a mooring must obtain a current mooring inspection certificate for the mooring and the certificate of inspection must be provided to the Harbourmaster.
- (4) A mooring owner may carry out maintenance after removing the mooring from the water, provided the inspection fee has been paid and arrangements are made by the mooring owner for inspection of the mooring by a suitably qualified person and the payment any licence fee prior to the mooring being reinstated.
- (5) The Harbourmaster or the Council may require a suitably qualified person to inspect, on behalf of the owner, all the components of pile moorings at suitable intervals and notify the mooring owner if parts must be replaced or if maintenance must be carried out. Replacement of parts or maintenance must be carried out within the advised timeframe. Replacement of the piles will be notified and coordinated by the Harbourmaster or the Council at the recommended guideline interval.
- (6) The Harbourmaster or the Council may cancel the mooring permit for any mooring that does not hold a current mooring inspection certificate and may remove or sell the mooring and any craft occupying the mooring.
- (7) All costs associated with the inspection, maintenance and replacement of components must be borne by the mooring owner.

12 Liability of the council

- (1) Owners shall take all care to ensure that the mooring is used in a lawful manner, and use moorings at their own risk.
- (2) The council is not liable for:
 - (a) any damage to a craft whether the damage is caused by a third party, a natural disaster or event, natural processes or by any other cause;
 - (b) any damage to craft which have not been securely moored;
 - (c) any damage to a craft which results from any actions taken by the Harbourmaster to secure a craft, in the event of a storm or other adverse event;
 - (d) any actions or omissions of the Harbourmaster or any other officer of the Council in the performance of any duties, functions or powers in respect of this bylaw.

13 Powers of Harbourmaster or the Council with respect to moorings and craft on moorings

- (1) The Harbourmaster or the Council may at any time after giving written notice, cancel a mooring permit where the permit holder fails to comply with the terms and conditions of the mooring permit or any other clause under this section of the bylaw.
- (2) If a mooring permit has been cancelled, the Harbourmaster or the Council may require the mooring owner to remove the mooring. The mooring owner must remove the mooring within the timeframe specified by the Harbourmaster or the Council.
- (3) the Harbourmaster or the Council may remove any mooring, and any craft occupying the mooring if:
 - (a) a mooring permit has been cancelled and the owner has not removed the mooring within the time frame specified by the Harbourmaster;
 - (b) the mooring permit fee is unpaid for a period greater than 2 months from the due date;
 - (c) the mooring is unauthorised under the Regional Plan or District Plan or is unlicensed pursuant to the provisions of this bylaw.
- (4) The Harbourmaster or the Council may detain any mooring or craft together with the contents of the craft until the actual costs of removing the mooring and storing the craft have been paid.

- (5) If the costs of removal or storage have not been paid within two months of removal, the Harbourmaster or the Council may sell the mooring and/or craft and its contents to recover the debt.

14 Transfer of ownership and termination of mooring licences

- (1) An application for the transfer of a mooring permit must be made in the prescribed form, and be accompanied by payment of the application and processing fees and such further supporting information as the Harbourmaster or the Council may require to enable processing of the application.
- (2) When a permit holder applies to the Harbourmaster or the Council seeking approval for the transfer of a mooring permit to another person, the Harbourmaster or the Council may approve the transfer if:
- (a) all mooring permit fees, including the transfer fee are fully paid;
 - (b) the mooring has a current inspection certificate required under this bylaw;
 - (c) the mooring specification and design are adequate to accommodate the proposed craft to be moored;
 - (d) the new mooring owner agrees to the terms and conditions specified in the original licence.

Part 4 – Maritime Structure Permits

15 Permit required to occupy and use maritime structures, or foreshore

- (1) No person may occupy (in whole or part) any maritime structure, foreshore without first obtaining either a Maritime Structure Permit (Commercial) or a Maritime Structure Permit (Non-commercial);
- (2) Any person occupying a maritime structure must obtain a Maritime Structure Permit (Commercial) if:
 - (a) significant commercial activities occur at that maritime structure; or
 - (b) the occupier receives or may receive any reward, fee, benefit, or commission from any use of that maritime structure;
- (3) No person may use for the purpose of a commercial activity, any maritime structure (in whole or part) controlled by the Council without first obtaining a commercial activity permit;
- (4) The fees payable for a Maritime Structure Permit (Commercial) or a Maritime Structure Permit (Non-Commercial) are as specified in Schedule 1;
- (5) The fees payable for a Commercial Activity Permit are as specified in Schedule 1;
- (6) All maritime structures that are jetties or similar such structures are available for the general use of the public and are not for the sole and private use of the permit holder, however the holder of a Maritime Structure (Commercial) Permit or a Commercial Activity Permit has preferential use of an area described in the permit;

16 Consideration of application for maritime structure permits

- (1) In respect of any maritime structure permit the permit holder must:
 - (a) maintain the maritime structure in a safe and acceptable condition;
 - (b) obtain a certificate of inspection from a structural engineer to certify the structural integrity of the structure before any permit is granted or renewed;
 - (c) make any such repairs and carry out any maintenance as directed by the Harbourmaster or the Council.
 - (d) provide evidence that, where required, the following have been obtained:
 - (i) any resource consent in respect of the maritime structure and pursuant to the provisions of the Resource Management Act 1991; and
 - (ii) any building consent for the Structure pursuant to the provisions of the Building Act 1991;

- (2) Where more than one commercial activity permit is granted, the priority of use will be specified by Council or the Harbourmaster in the conditions of the permit;
- (3) The permit holder as named in the permit shall pay to the Council the application or permit renewal fee specified in schedule 1, together with the applicable annual permit fee as specified in schedule 1.

17 Conditions of Maritime Structure Permits

- (1) Any maritime structure permit shall only apply to that area:
 - (a) of the foreshore and bed of a lake or river as is detailed and identified on the permit issued by the Council; and
 - (b) that area of the maritime structure as is detailed and identified on the permit issued by the Council;
- (2) The Council shall specify which area(s) of the maritime structure are to be made available for use by members of the public;
- (3) The expiry of the permit shall be stated on the permit.
- (4) Further terms and conditions attached to any permit to erect, occupy or use a maritime structure may include:
 - (a) the precise location of the structure described by GPS referencing;
 - (b) design and specification criteria;
 - (c) inspection certificate
 - (d) maintenance requirements;
 - (e) requirements as to safety;
 - (f) requirements to meet guidelines as set by the Council;
 - (g) any other matters the Harbourmaster or Council considers relevant;

18 Consideration of Application for Commercial Activity Permit

- (1) The Council shall give public notice of its intention to grant an application for a commercial activity permit;
- (2) The permit shall only apply to that area of the maritime structure as is detailed and identified on the permit issued by the Council;

19 Conditions of Commercial Activity Permits

- (1) The term of the permit shall be clearly stated on the permit;
- (2) The Council may impose any conditions it considers appropriate;
- (3) The applicant must provide evidence that, where required, the following have been obtained:
 - (a) any resource consent in respect of the maritime structure and pursuant to the provisions of the Resource Management Act 1991; and
 - (b) any building consent for the Structure pursuant to the provisions of the Building Act 1991;
 - (c) the written consent of the landowner, owner and occupier of the structure;
- (4) The fees payable for a commercial activity permit are the fees specified in Schedule 1;

Part 5 - General Provisions

20 Authority to issue permits and collect fees

- (1) The Council may issue any maritime structure permit;
- (2) The Council or the Harbourmaster may—
 - (a) issue any of the other permits set out in Schedule 1; and
 - (b) authorise any person to issue any of the other permits set out in Schedule 1.
 - (c) authorise any person to collect any of the fees set out in Schedule 1
- (3) The Council may exercise its discretion to waive, in whole or part, any fee payable on receipt of written application.

21 Validity of permits

- (1) Any permit issued under the authority of this bylaw 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 to the Harbourmaster, the Council or a person authorised to issue a permit under clause 18 of this bylaw.
- (2) Any permit is not valid if it has been altered.

22 Non-compliance with conditions of a permit

- (1) Where a holder of any permit does not comply with the terms and conditions of the permit, the Council or Harbourmaster may take one or more of the following steps:
- (a) Issue a written warning to the holder of the permit, which may be considered as evidence of a prior breach of a permit condition during any subsequent review of the permit;
 - (b) Review the permit, which may result in:
 - (i) amendment of the permit; or
 - (ii) suspension of the permit; or
 - (iii) withdrawal of the permit.
 - (iv) cancellation of the permit
 - (c) Enforce any breach of this bylaw, as provided for under the Act, maritime rules and/or the Local Government Act 2002 and regulations.
- (2) There will be no refund of fees if any permit is withdrawn.
- (3) Any permit required by this bylaw must be kept on board the craft or carried by the holder and must be produced forthwith on request by the Harbourmaster, an enforcement officer or police officer.

23 Offences

- (1) Every person who contravenes these bylaws commits an offence and is liable on conviction to the penalty set out in [reference to regulations/order in council].
- (2) Every person who -
- (a) uses a ramp, or a launch facility together with a trailer, to launch a craft into the water or to take a craft out of the water;
 - (b) uses a mooring;
 - (c) occupies a maritime structure;
- without the specified permit commits an offence.
- (3) If the Harbourmaster or Enforcement Officer have reasonable cause to believe an offence has been committed by any person, an infringement notice in respect of that offence may be served on that person.
- (4) The Harbourmaster or Enforcement Officer may deliver the infringement notice (or a copy of it) to the person alleged to have committed the offence personally or by post, addressed to that person's last known place of residence.
- (5) A person does not contravene this bylaw if that person proves that the act or omission was in compliance with the directions of the Harbourmaster, an enforcement officer or police officer.
- (6) A person does not contravene this bylaw if that person proves that the act or omission was in compliance with a concession granted by the Council.

24 Penalties

- (1) Every person who commits an offence under clause 23(1) is liable on conviction to the penalty set out in [refer to order in Council].
- (2) Every person convicted of an offence under clause 23(2) is liable to a fine not exceeding \$70 and, in the case of a continuing offence under clause 23(2), \$100 for each day on which the offence continues.

25 Fees

- (1) The fees for specified permits are prescribed in the applicable table in schedule 1.
- (2) The prescribed fees are inclusive of goods and services tax.
- (3) Where a charge fixed in accordance with schedule 1 is, in any particular case, inadequate to enable the Council to recover its actual and reasonable costs in respect of the application, the Council may require the person who is liable to pay the charge, to also pay the Council's actual costs.

26 Revocations

- (1) The following clauses of the Queenstown Lakes District Navigation Safety Bylaw 2009 are revoked:
 - (a) Clauses 4.1 – 4.6 regarding foreshore licences and public structure licences;
 - (b) Clause 4.7 - which relates to moorings licences.

27 Savings

- (1) Any regulations made in respect of the Queenstown Lakes District Council Navigation Safety Bylaw 2009 shall be deemed to have also been made in respect of the Queenstown Lakes District Council Waterways and Ramp Fees Bylaw 2014; and
- (2) Any licence, consent, permit, dispensation, permission or other form of approval previously issued under the Queenstown Lakes District Council Navigation Safety Bylaw 2009 continues in force but:
 - (a) expires on the date specified in that approval; or
 - (b) if no expiry date is specified, expires on 30 June 2015; and
 - (c) can be renewed only by an application made and determined under this bylaw.
- (3) Any application for a licence, consent, dispensation, permission or other form of approval which is the subject of this bylaw that is filed after this bylaw is made and before the day on which this bylaw commences must be dealt with by the Harbourmaster or the Council as if it had been made under this bylaw.
- (4) Nothing in this bylaw shall affect the expiry or operation of a concession that has been granted by the Queenstown Lakes District Council prior to the commencement of this bylaw.

28 History

Section 33R of the Maritime Transport Act 1994 provides that a Regional Council may impose fees in respect of any land, building, equipment, or other property that is owned by the council and operated for maritime-related purposes.

By deed of delegation, the Otago Regional Council has transferred its powers, functions and duties within the boundary of the Queenstown Lakes District to the Queenstown Lakes District Council (section 33X of the Maritime Transport Act 1994). The delegation also provides for the transfer of the power to make bylaws under the Local Government Act 2002 and the Maritime Transport Act 1994 to the Queenstown Lakes District Council.

Schedule 1 – Fees:

the fees for permits issued under this bylaw are prescribed as follows:

Ramp Permit for any Ramp in district				
and				
Launch Permit for specified Launch Facilities in district				
Valid Period		Fee per Non-Commercial Craft (\$)		Fee per Commercial Craft (\$)
Up to 24 hours	-	5.00		5.00
1 October – 30 June	-	40.00		60.00
1 July 2015 – 30 June 2016		50.00		70.00
1 July 2016 – 30 June 2017		50.00		70.00
Maritime Structure Permits (Non-commercial)				

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Valid Period 12 months commencing 1 July and ending 30 June	Fee Per Maritime Structure (\$)
Application fee and permit renewal fee	120
Fee per size of maritime structure	
— Up to 15m ²	115
— 15m ² up to 28m ²	230
— 28m ² up to 56m ²	460
— 57m ² up to 84m ²	750
— 84m ² and over	920
Maritime Structure Permits (Commercial)	
Valid Period 12 months commencing 1 July and ending 30 June	Fee Per Maritime Structure (\$)
Application fee and permit renewal fee	200
Fee per maritime structure (Occupy)	
— Up to 15m ²	As specified in annual plan
— 15m ² up to 28m ²	As specified in annual plan

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28m ² up to 56m ²		As specified in annual plan		<p>Formatted: Right: 1.92 cm, Space After: 10 pt, Line spacing: Exactly 22.9 pt, Don't adjust space between Latin and Asian text</p> <p>Formatted: Right: 1.92 cm, Space After: 10 pt, Line spacing: Exactly 22.9 pt</p> <p>Formatted: Right: 1.92 cm, Space After: 10 pt, Line spacing: Exactly 22.9 pt, Don't adjust space between Latin and Asian text</p> <p>Formatted: Right: 1.92 cm, Space After: 10 pt, Line spacing: Exactly 22.9 pt</p>
57m ² up to 84m ²		As specified in annual plan		
84m ² and over		As specified in annual plan		
Valid Period 12 months commencing 1 July and ending 30 June		Fee Per Commercial Activity on Public Maritime Structure (\$)		<p>Formatted: Right: 1.92 cm, Space After: 10 pt, Line spacing: Exactly 22.9 pt, Don't adjust space between Latin and Asian text</p> <p>Formatted: Right: 1.92 cm, Space After: 10 pt, Line spacing: Exactly 22.9 pt</p> <p>Formatted: Right: 1.92 cm, Space After: 10 pt, Line spacing: Exactly 22.9 pt</p> <p>Formatted: Left, Right: 1.92 cm, Line spacing: Exactly 22.9 pt</p> <p>Formatted: Left, Right: 1.92 cm, Space After: 10 pt, Line spacing: Exactly 22.9 pt</p>
Application fee and permit renewal fee		120		<p>Formatted: Right: 1.92 cm, Space After: 10 pt, Line spacing: Exactly 22.9 pt</p>
Fee per use of maritime structure		As specified in annual plan		<p>Formatted: Left, Right: 1.92 cm, Space After: 10 pt, Line spacing: Exactly 22.9 pt</p> <p>Formatted: Right: 1.92 cm, Space After: 10 pt, Line spacing: Exactly 22.9 pt</p> <p>Formatted: Left, Right: 1.92 cm, Line spacing: Exactly 22.9 pt</p> <p>Formatted: Left, Right: 1.92 cm, Space After: 10 pt, Line spacing: Exactly 22.9 pt</p>
Mooring Permit Fees				<p>Formatted: Right: 1.92 cm, Line spacing: Exactly 22.9 pt</p>
Valid Period		Fee Non-commercial craft fee per mooring (\$)	Fee Commercial Craft Fee per mooring (\$)	<p>Formatted: Right: 1.92 cm, Space After: 10 pt, Line spacing: Exactly 22.9 pt</p> <p>Formatted: Left, Right: 1.92 cm, Space After: 10 pt, Line spacing: Exactly 22.9 pt</p> <p>Formatted: Right: 1.92 cm, Space After: 10 pt, Line spacing: Exactly 22.9 pt</p>

1 October 2014 – 30 June 2016	332.50		As specified in annual plan
1 July 2016 – 30 June 2018	380.00		As specified in annual plan
Application and permit renewal fee	120.00		200.00
Application to transfer mooring permit	120.00		200.00

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Current Schedule 1 - Fees:

(1) the fees for permits issued under this bylaw are prescribed as follows:

Ramp Permit for any Ramp in district and Launch Permit for specified Launch Facilities in district		
Valid Period	Fee per Non-Commercial Craft (\$)	Fee per Commercial Craft (\$)
Up to 24 hours	5.00	5.00
1 October – 30 June	40.00	60.00
1 July 2015 – 30 June 2016	50.00	70.00
1 July 2016 – 30 June 2017	50.00	70.00

Maritime Structure Permits (Non-commercial)	
Valid Period	Fee Per Maritime Structure (\$)
12 months commencing 1 July and ending 30 June	
Application fee and permit renewal fee	120
Fee per size of maritime structure	
Up to 15m ²	115
15m ² up to 28m ²	230
28m ² up to 56m ²	460
57m ² up to 84m ²	750
84m ² and over	920

Maritime Structure Permits (Commercial)	
Valid Period	Fee Per Maritime Structure (\$)
12 months commencing 1 July and ending 30 June	
Application fee and permit renewal fee	200
Fee per maritime structure (Occupy)	
Up to 15m ²	As specified in annual plan
15m ² up to 28m ²	As specified in annual plan
28m ² up to 56m ²	As specified in annual plan
57m ² up to 84m ²	As specified in annual plan
84m ² and over	As specified in annual plan

Commercial Activity on Council Controlled Maritime Structure	
Valid Period 12 months commencing 1 July and ending 30 June	Fee Per Commercial Activity on Public Maritime Structure (\$)
Application fee and permit renewal fee	120
Fee per use of maritime structure	As specified in annual plan

Mooring Permit Fees		
Valid Period	Fee Non-commercial craft fee per mooring (\$)	Fee Commercial Craft Fee per mooring (\$)
1 October 2014 – 30 June 2016	332.50	As specified in annual plan
1 July 2016 - 30 June 2018	380.00	As specified in annual plan
Application and permit renewal fee	120.00	200.00
Application to transfer mooring permit	120.00	200.00

Schedule 1 – Fees

(1) The fees for permits issued under this bylaw are prescribed as follows:

Ramp Permit for any Ramp in district and Launch Permit for specified Launch Facilities in district		
Valid Period	Fee per Non-Commercial Craft (\$)	Fee per Commercial Craft (\$)
Up to 24 hours	5.00	5.00
1 October 2014–30 June 2015	40.00	60.00
1 July 2015 – 30 June 2016	50.00	70.00
1 July – 30 June (annually)	50.00	70.00

Maritime Structure Permits (Non-Commercial)	
Valid Period 12 months commencing 1 July and ending 30 June	Fee per Maritime Structure (\$)
Application fee	120
Fee per size of maritime structure	
Up to 15m ²	235
15m ² up to 28m ²	350
28m ² up to 56m ²	580
56m ² up to 84m ²	870
84m ² and over	1040

Maritime Structure Permits (Commercial)		
Valid Period 12 months commencing 1 July and ending 30 June		Fee per Maritime Structure (\$)
Application fee		200
Fee per maritime structure The greater of fee below or 12% of the adjacent land value/m ² of structure.		
Up to 15m ²	Minimum fee	660
15m ² up to 28m ²	Minimum fee	880
28m ² up to 56m ²	Minimum fee	1100
56m ² up to 84m ²	Minimum fee	1320
84m ² and over	Minimum fee	1540

Location fees (based on 12% of the rateable land value of the adjacent land)	
Location	Rate/m2 (\$)
St Omer Park	26.99
Queenstown Gardens	11.68
Earnslaw Park/Marine Parade	178.24
Frankton Marina	26.98
Frankton Beach/Kawarau River Inlet	17.40

Commercial Activity on Council Controlled Maritime Structure	
Valid Period 12 months commencing 1 July and ending 30 June	Fee per Commercial Activity on Public Maritime Structure (\$)
Application fee (New Permits)	120
Fee per use of maritime structure	
Up to 8 metres in length	950
Over 8 metres in length	1450

Mooring Permit Fees		
Valid Period	Fee Non-commercial craft fee per mooring (\$)	Fee Commercial Craft Fee per mooring (\$)
1 October 2014 – 30 June 2016	332.50	332.50
1 July – 30 June (annually)	190	360
Application fee (New Permits)	120	200



**QUEENSTOWN LAKES DISTRICT
WATERWAYS AND RAMP FEES BYLAW 2014**

STATEMENT OF PROPOSAL

INTRODUCTION

Under the Maritime Transport Act 1994, and acting under delegation from the Otago Regional Council, the Queenstown Lakes District Council is the administrative authority for water bodies located within the Queenstown Lakes District. The Council's role includes managing and maintaining the Council owned boating facilities within the district. Funding for administration and maintenance of those assets is provided through fees paid by users of the facilities, and through fees paid by concession holders.

In 2014 Council adopted the Waterways and Ramp Fees Bylaw. However, since the bylaw became operative, there is a need to make some changes to ensure the bylaw meets the needs of the community.

PROPOSAL

Council has determined that the current bylaw should be amended by:

- Removing the renewal (administration) fee previously applicable to moorings renewals;
- Require annual mooring renewals rather than two-yearly;
- Setting a fee for commercial structure permits, commercial activity permits and commercial moorings;
- Amending clause 10(1)(f) so that the craft must be insured rather than the mooring;

This statement of proposal considers the passing of an amended bylaw which must follow the special consultative procedure in the Local Government Act 2002 (LGA02).

This statement of proposal has been prepared in accordance with the requirements of section 83 of the LGA02, and includes:

- a) The reason for the proposal;
- b) Consideration of whether a bylaw is the most appropriate way to address the perceived problem;
- c) Consideration of whether the proposed bylaw is the most appropriate form of bylaw;
- d) Any implications under the New Zealand Bill of Rights Act 1990; and
- e) A draft of the proposed bylaw.

REASON FOR PROPOSAL

The proposal to amend the current bylaw has been made to ensure the effectiveness of the bylaw in setting the charges for commercial structures, moorings and activities, setting private mooring fees at a reasonable level, removing an impractical condition for insurance of the mooring, and renewing the mooring permits annually.

CONSIDERATION BY COUNCIL UNDER SECTION 155 OF THE LGA02

Problem definition

The bylaw initially specified that commercial charges would be set during the annual plan process, but should have been specified in the bylaw. The insurance requirement for moorings (clause 10(1)(f)) is impractical, and the renewal fee and two-yearly permit renewal for private mooring fees have been reviewed and simplified for users.

IS THE PROPOSED BYLAW THE MOST APPROPRIATE BYLAW?

The proposed bylaw provides clarity regarding charges, and simplifies the insurance requirements and renewal process.

ARE THERE ANY IMPLICATIONS UNDER THE NEW ZEALAND BILL OF RIGHTS?

No implications have been identified.

PROPOSED BYLAW

A draft of the proposed Bylaw is attached. The new Bylaw will amend the current Bylaw.

TIMETABLE FOR CONSULTATION

The following dates represent the key times in the consultation programme:

24 September 2015	Council resolves to undertake public consultation regarding the proposed bylaw
26 Sept – 28 October 2015	Advertisement in Otago Daily Times, Southland Times, Mirror and Wanaka Sun.
28 October 2015	Submissions close
9 – 20 November 2015	Submissions heard by a subcommittee of Councillors (to be confirmed)
17 December 2015	Council considers outcome of consultation process. Adoption of Queenstown Lakes District Alcohol Ban Bylaw 2014.
18 - 27 December 2015	Public notice of final decision (if Council resolve to adopt the bylaw) The Bylaw comes into effect subject to the above.

INSPECTION OF DOCUMENTS AND OBTAINING COPIES

Copies of this proposal, the draft Bylaw and the supporting reports may be inspected, and a copy obtained, at no cost, from:

- a) Either of the Council offices at 10 Gorge Road, Queenstown or the Wanaka Service Centre, 47 Ardmore Street, Wanaka
- b) Any Council library within the Queenstown Lakes District.
- c) The Council website – www.qldc.govt.nz

RIGHT TO MAKE A SUBMISSION AND BE HEARD

Any person or organisation has a right to be heard in regard to this proposal and the Council would encourage everyone with an interest to do so.

The Council would prefer that all parties intending to make a submission set those submissions out in writing and email them to services@qldc.govt.nz or submit them to QLDC, Private Bag 50072, Queenstown, no later than 28 October 2015. The Council will then convene a hearing, which it intends to hold between 9 – 20 November 2015, at which any party who wishes to do so can present their submission in person.

³ Section 18 New Zealand Bill of Rights Act 1990

Equal weight will be given to written and oral submissions.

The Council will permit parties to make oral submissions (without prior written material) or to make a late submission, only where it considers that special circumstances apply.

Every submission made to the Council will be acknowledged in accordance with the Act, will be copied and made available to the public, and every submission will be heard in a meeting that is open to the public.

Section 82 of the Local Government Act sets out the obligations of the Council in regard to consultation and the Council will take all steps necessary to meet the spirit and intent of the law.

MAKING AN EFFECTIVE SUBMISSION

Written submissions can take any form (e.g. Email, letter). An effective submission references the clause(s) of the draft Bylaw you wish to submit on, states why the clause is supported or not supported and states what change to the clause is sought.

Submissions on matters outside the scope of the Bylaw cannot be considered by the Hearings Panel.

Adam Feeley
CHIEF EXECUTIVE

APPENDIX 1 - Proposed Queenstown Lakes District Council Waterways and Ramp Fees Bylaw 2014 (with amendments marked up)

APPENDIX 2 - A Summary of the Statement of Proposal

QUEENSTOWN LAKES DISTRICT COUNCIL
SUMMARY OF STATEMENT OF PROPOSAL
WATERWAYS AND RAMP FEES BYLAW 2014

INTRODUCTION

This summary of the Statement of Proposal has been prepared in accordance with Section 83(1) of the Local Government Act 2002 (LGA 2002).

BACKGROUND

Queenstown Lakes District Council is the administrative authority for water bodies located within the Queenstown Lakes District, which includes managing and maintaining the Council owned boating facilities within the district. Funding for administration and maintenance of those assets is provided through fees paid by users of the facilities, and through fees paid by concession holders.

KEY FEATURES OF PROPOSAL

Council has determined that the current bylaw should be amended by:

- Removing the renewal (administration) fee previously applicable to moorings renewals;
- Require annual mooring renewals rather than two-yearly;
- Setting a fee for commercial structure permits, commercial activity permits and commercial moorings;
- Amending clause 10(1)(f) so that the craft must be insured rather than the mooring;

TIMETABLE FOR CONSULTATION

The following dates represent the key times in the consultation programme:

24 September 2015	Council resolves to undertake public consultation regarding the proposed bylaw
26 Sept – 28 October 2015	Advertisement in Otago Daily Times, Southland Times, Mirror and Wanaka Sun.
28 October 2015	Submissions close
9 – 20 November 2015	Submissions heard by a subcommittee of Councillors (to be confirmed)
17 December 2015	Council considers outcome of consultation process. Adoption of Queenstown Lakes District Alcohol Ban Bylaw 2014.
18 - 27 December 2015	Public notice of final decision (if Council resolve to adopt the bylaw) The Bylaw comes into effect subject to the above.

INSPECTION OF DOCUMENTS AND OBTAINING COPIES

Copies of this proposal, the draft Bylaw and the supporting reports may be inspected, and a copy obtained, at no cost, from:

- a) Either of the Council offices at 10 Gorge Road, Queenstown or the Wanaka Service Centre, 47 Ardmore Street, Wanaka
- b) Any Council library within the Queenstown Lakes District.
- c) The Council website – www.qldc.govt.nz

RIGHT TO MAKE A SUBMISSION AND BE HEARD

Any person or organisation has a right to be heard in regard to this proposal and the Council would encourage everyone with an interest to do so.

The Council would prefer that all parties intending to make a submission set those submissions out in writing and email them to services@qldc.govt.nz or submit them to QLDC, Private Bag 50072, Queenstown, no later than 28 October 2015. The Council will then convene a hearing, which it intends to hold between 9 – 20 November 2015, at which any party who wishes to do so can present their submission in person.

Equal weight will be given to written and oral submissions.

The Council will permit parties to make oral submissions (without prior written material) or to make a late submission, only where it considers that special circumstances apply.

Every submission made to the Council will be acknowledged in accordance with the Act, will be copied and made available to the public, and every submission will be heard in a meeting that is open to the public.

Section 82 of the Local Government Act sets out the obligations of the Council in regard to consultation and the Council will take all steps necessary to meet the spirit and intent of the law.

MAKING AN EFFECTIVE SUBMISSION

Written submissions can take any form (e.g. Email, letter). An effective submission references the clause(s) of the draft Bylaw you wish to submit on, states why the clause is supported or not supported and states what change to the clause is sought.

Submissions on matters outside the scope of the Bylaw cannot be considered by the Hearings Panel.

Adam Feeley
CHIEF EXECUTIVE

Attachment 1: Proposed Queenstown Lakes District Waterways and Ramp Fees Bylaw 2014.