

Far North District Council

Review of Bylaws for Maritime Facilities
and Mooring Charges

Options Paper



22 December 2021

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We would like to acknowledge the time taken by staff at the Far North District Council, Far North Holdings Ltd., Northland Transport Alliance, and by a local commercial fishing operator to participate in structured interviews about the use of maritime facilities and to share their perspectives.

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1. BACKGROUND

The Far North District Council (FNDC) is seeking to revise relevant bylaws to help resolve issues that have arisen in the management of maritime facilities (such as wharves and boat ramps) and to ensure that these assets, for which there is high demand, are being used appropriately. In recent times it has become evident that commercial entities have been using recreational maritime facilities in a way that restricts access to, and limits the availability of, these maritime facilities for local residents, visitors, and recreational boat users. One example of this tension is the availability and use of the boat ramp at Ōpito Bay, east of Kerikeri, where the activities of commercial oyster farmers has angered some local residents. However, as it stands, these commercial operators are not breaking any rules under the existing Maritime Facilities Bylaw 2002 and the Mooring Charges Bylaw 2002.

The Council has engaged *Allen + Clarke* to conduct a review of their Maritime Facilities Bylaw 2002 (MFB) and their Mooring Charges Bylaw 2002 and to provide advice and options for how these bylaws could be amended, or amalgamated, to assist the FNDC in finding a practicable solution for regulating and managing the use of maritime facilities within the Far North District. This review builds on *Allen + Clarke's* 2020 review of the FNDC's policies and bylaws in relation to the use of public places.

2. ASSESSMENT UNDER THE LOCAL GOVERNMENT ACT 2002

Under Section 155 of the Local Government Act 2002 a local authority

- must, before commencing the process for making a bylaw, determine whether a bylaw is the most appropriate way of addressing the perceived problem; and
- if a local authority has determined that a bylaw is the most appropriate way of addressing the perceived problem, it must, before making the bylaw, determine whether the proposed bylaw is the most appropriate form of bylaw.

Considering that there is no other regulatory instrument or method with which the FNDC could otherwise manage and regulate the maritime facilities under its jurisdiction, a bylaw can be considered the most appropriate way of addressing the tensions that have arisen in relation to their recreational and commercial use. To dispense with such a bylaw altogether would be equivalent to leaving the FNDC's maritime assets open to physical neglect and to the potential for inappropriate and hazardous use. For this reason, having no bylaw at all is not considered an option.

Over the years, neither of the existing bylaws (MFB 2002 and the Mooring Charges Bylaw 2002) has been effectively enforced and most of their key provisions have fallen into disuse. For this reason, maintaining the status quo (i.e. two separate and, for the most part, disregarded bylaws) was not considered a viable or feasible option either, especially in consideration of the current tensions which the status quo has largely brought about.

The options discussed in this paper are intended to show the *most appropriate form of bylaw* for regulating the safe and equitable use of maritime facilities in the FNDC's district. In the spirit of Section 77(1) of the Local Government Act 2002, the following sections seek "to identify all reasonably practicable options" for effectively regulating of the use of maritime assets and "to assess the options in terms of their advantages and disadvantages." These options were presented to the FNDC at their meeting held on 15 December 2021.

3. CRITERIA FOR ASSESSING OPTIONS

In November 2021 an assessment of potential options for updating and improving the FNDC's current MFB was undertaken based on the following criteria:

- 1. The option facilitates an appropriate balance of recreational and commercial use of local maritime facilities:** the bylaw must enable and ensure an appropriate balance between users who have commercial operations (fishermen, charter boats, etc) and those using the facilities for recreational purposes, particularly local rate-payers, who may have bought property in the District specifically to take advantage of the access to water.
- 2. Financial benefits for Council:** changes to the MFB should introduce the possibility of revenue collection for the FNDC. Currently, the FNDC generates very little revenue from maritime assets that are in high demand and suffer significant "wear and tear". While other territorial authorities charge for using maritime facilities, the FNDC is not currently maximising the popularity of maritime assets among recreational and commercial users alike.
- 3. Community endorsement and satisfaction:** an imbalance between recreational and commercial activities at some sites has created tensions between local residents, visitors and commercial operators. The revised MFB must reconcile competing interests in such a way that ratepayers are satisfied that there is an appropriate balance of different activities across maritime facilities throughout the district.

We identified the following four options for the design of a revised MFB:

- Option 1: Introduce a sliding scale fees system that covers both commercial and recreational users
- Option 2: Make no change in principle to the MFB drafted in 2017, but fast-track the approval and roll-out process so this becomes the active bylaw, replacing the 2002 MFB
- Option 3: The establishment of pre-specified commercial and recreational maritime facilities (zones), and – within these zones – a fees schedule for operators in commercial areas that is based on tonnage of catch.
- Option 4: On the basis of the draft 2017 MFB, combine elements of Options One and Three (a 'hybrid' option).

4. OPTIONS

4.1. OPTION 1: Introduce a sliding scale fees system that covers commercial and recreational users

Under this option, the FNDC would introduce a differentiated "user-pays" system that would generate revenue to help cover the maintenance costs and ongoing development of maritime facilities. This system could feature a permit coupled with a sliding scale of fees that could be comprised of a nominal flat fee for recreational users, for example, and a higher fee for commercial users determined by the scale and duration of their operations at the site.

Currently, the FNDC does not apply a fees schedule for any particular use of maritime facilities in the Far North District nor does it collect a single fixed fee or flat rate, regardless of whether the

activity is recreational or commercial. The FNDC's 2002 Mooring Charges Bylaw (which sets a fee of \$25 per pile or swing mooring) has been largely disregarded and unenforced over the years. Other territorial authorities in New Zealand, by contrast, operate "user-pays" schemes for their maritime facilities. One advantage of these kinds of schemes is that they would reduce the FNDC's reliance on rates alone to cover maintenance costs. For example, the Thames-Coromandel District Council explains that, by issuing permits and charging fees for the use of the boat ramp at Whangamatā, they can "*ensure that the general Whangamatā rate payer, and 'non-boaters', are not subsidising this service. All revenue from the permits goes back into operating and maintaining the facility*".

A number of maritime assets within the Far North District (including the Ōpito Bay boat ramp) are in average to poor condition. Ramps and wharves with evident maintenance needs can pose health and safety risks to their users. Continued maintenance (and upgrading where necessary) ensures that maritime assets have sufficient capacity and ease of access to meet increasing demand from both recreational and commercial users – particularly in peak seasons.

The introduction of permits and fees is not intended to disincentivise or deter the use of maritime facilities, but to prevent them from being overused and to control and balance the levels of (recreational and commercial) activities at the respective sites. The fees schedule should be neither exorbitant nor prohibitive but should reflect an appropriate level of contribution from users towards maintaining the facilities, rather than allowing their ongoing use to occur at the expense of local ratepayers (some of whom may not ever use these facilities themselves).

If a schedule of fees and charges were to be introduced and enforced, the FNDC would need to ensure that it clearly communicates to the community how this revenue will be used to maintain and develop the maritime infrastructure. Users are very accustomed to being able to access and use these facilities for free.

Assessment criteria	Option 1: Introduce a sliding scale fees system that covers both commercial and recreational users
Facilitate an appropriate balance of recreational and commercial use of maritime facilities:	<ul style="list-style-type: none"> • By issuing permits and charging fees for particular types of use of the facilities, the FNDC is in better position to maintain oversight and to control appropriate levels of recreational and commercial activity. • Fees for recreational use will be low (e.g. for trailer boat launching), while user fees for commercial use could be calculated on the basis of an assessment of the scale, frequency and duration of the proposed commercial operations.
Financial benefits for the FNDC:	<ul style="list-style-type: none"> • A sliding scale of fees according to activity type will generate revenue for the ongoing maintenance of the facilities and reduce the level of reliance on rates. • In order to maximise revenue collected and create tangible benefits, there should be a focus on creating a simple, easy-to-manage system for issuing permits and collecting fees (e.g. an e-permit, an automated payment and collection system) • Monitoring and enforcement could be undertaken from the water, (e.g. on the basis of existing Harbourmaster infrastructure and activity).

Assessment criteria	Option 1: Introduce a sliding scale fees system that covers both commercial and recreational users
Community endorsement and satisfaction	<ul style="list-style-type: none"> • While there is general resistance within the local community towards the idea of having to buy permits and pay penalties in relation to the (authorised or unauthorised) use of facilities (including parking and maritime facilities), there are tensions so a general sense of frustration at the lack of clear management of the facilities as well as their general level of maintenance. • Fee and permits will better enable the FNDC to control and balance the extent of commercial operations at specific sites and enhance the community (i.e. rate-payer) access for recreational activities. • Consideration could need to be given to the possibility of exempting ratepayers and charging visitors only.

4.2. OPTION 2: Make no changes in principle to the draft 2017 MFB, but fast-track the approval and roll-out process to replace 2002 version

Significant work to improve the current MFB has already taken place, and a draft of an updated bylaw was discussed and approved by the FNDC in 2017, although it has yet to be finalised and implemented. Under this option, the draft MFB 2017 would replace the current bylaw.

The justification for this option is relatively straightforward: the vast majority of the “leg work” required for this option has already been completed; and the draft MFB 2017 was written in full and was accepted and endorsed by the FNDC at the time, although no resolution was made Council meeting 22 June 2017).

A particular feature of the draft MFB 2017 is its incorporation of the mooring of vessels, rendering an additional and separate bylaw for mooring unnecessary. Further enhancements could be made by revising and updating the definitions in Section 3 “Interpretation” and extending this Section to include other key terms (such as ‘berthing’ and ‘wharfing’, for example). Similarly, clauses 6.5. and 6.6 could be revised and extended to include clearly articulated approaches to charging fees and issuing permits (as outlined in Option 1 above). The draft MFB 2017 also acknowledges the inherent tension in striking a balance between recreational and commercial activities, as typified by the situation at the Ōpito Bay boat ramp.

However, to ensure the support and endorsement of local ratepaying boat-owners, an amendment will need to be made to Paragraphs 17.1 and 17.2 which currently require *all* owners “*of any vessel using any launching facility*” to purchase a maritime facilities licence against a fee prescribed by the FNDC.

Assessment criteria	Option 2: Make no change in principle to the Maritime Facilities Bylaw drafted in 2017, but fast-track the approval and roll-out process so this becomes the active bylaw, replacing the Maritime Facilities Bylaw 2002
Facilitate an appropriate balance of recreational and commercial use of local maritime facilities:	<ul style="list-style-type: none"> • Clauses 6.5 and 6.6 of the MFB addresses the need for a balance of availability for asset use, explicitly differentiating the permissions of recreational and commercial users on different facilities.

Assessment criteria	Option 2: Make no change in principle to the Maritime Facilities Bylaw drafted in 2017, but fast-track the approval and roll-out process so this becomes the active bylaw, replacing the Maritime Facilities Bylaw 2002
	<ul style="list-style-type: none"> The MFB outlines the freedom of recreational users on those facilities categorised as “recreational”, but also specifies that commercial activity can only take place on these facilities following a completion of an application to the FNDC, alongside the payment of an (unspecified) fee. Creating pre-specified recreational facilities will assist in the management of “pinch-point” assets such as the Ōpito Bay boat ramp, where commercial and recreational users currently have equal standing in terms of the right of use. The enforcement of the draft’s rules remains an issue. While the draft MFB 2017 is an improvement on the 2002 version, it still does not have the “teeth” necessary to exact and enforce charges and penalties.
Financial benefits for Council:	<ul style="list-style-type: none"> As the draft MFB 2017 has already been largely written and has obtained FNDC approval, this option is relatively low cost in terms of the internal resourcing required to complete its development. The inclusion of a mention of (unspecified) fees and charges in the draft MFB 2017 represents a revenue generating opportunity that has yet to be explored and realised in detail (the current 2002 version includes a defunct schedule of fees).
Community endorsement and satisfaction	<ul style="list-style-type: none"> Ratepayers are frustrated with the unrestricted commercial use of local maritime facilities for which there is an increasingly high recreational demand. The draft MFB 2017 could serve as a basis for achieving a more appropriate balance of activity. Ratepayers are also dissatisfied with the four-year delay in finalising and implementing the draft MFB 2017. Revising, finalising and implementing the draft MFB 2017 would restore ratepayers’ confidence in the FNDC’s ability and commitment to address their concerns. The revised draft should omit paragraphs 17.1 and 17.2.

4.3. OPTION 3: The establishment of pre-specified commercial and recreational maritime facilities (zones), and a fees schedule for commercial operators

Under this option, the FNDC would model management systems and mechanisms applied by other territorial authorities, designing their own unique combination of requirements for commercial operators’ use of its maritime facilities.

Categorising all maritime assets according to permissible activity types would allow the FNDC to set clear parameters on what kind of activities can take place at individual sites (such as at Ōpito Bay, for example) and create revenue streams. This revenue can be reinvested into the maintenance and improvement of maritime facilities and help inform its wider infrastructure planning.

The establishment of designated commercial and recreational zones would benefit both groups, as recreational users would be able to use their local, smaller boat ramps uninterrupted, while commercial operators can use designated commercial zones (under agreed conditions relating to duration, noise, pollution, etc. etc.). Neither group would be restricting access to any other users.

This option would require significant consultation with groups such as FNHL to ensure that commercial and residential zones are identified according to predominant use, capacity, and convenience. It is suggested that commercial zones and facilities would generally include more substantial infrastructure, with greater capacity for higher levels of traffic and larger vessels and vehicles.

Charging these commercial operators at a rate calculated according to their total catchment would provide the FNDC with revenue. Operators should be willing to pay considering the currently untouched profit they are making as a result of their operations that would not be possible without the use of Council infrastructure. The charging rate would not need to be substantial, as the FNDC could approach this charge with a low-cost, high-volume approach, or explore calculating charges depending on an operator's commercial fishing licence, quota, or annual catch entitlement. Much like the user-pays scheme discussed in Option 1, this revenue could be set aside to be directly reinvested into the maintenance and improvement of local maritime facilities (both commercial and recreational). In terms of a fees schedule, local examples such as Tutukaka Marina (Whangārei) offer useful guidance as to establishing reasonable rate for charging wharfage and berthing [<https://www.tutukaka.co.nz/#Welcome>] .

Limiting commercial operations to these commercial facilities would also assist in guaranteeing the longevity of recreational facilities, as there should be less extensive "heavy" use from medium-to-large scale commercial activities.

This option will result in an increased need for allocated resources to ensure enforcement of both appropriate use of commercial and recreational facilities, and payments from commercial users in accordance with their catchment. Given the nature of the required enforcement (largely on-site at these facilities), it may not be feasible or practical for the FNDC to manage this enforcement. Instead, we suggest that expanding the remit of the local harbourmaster be considered: in this way enforcement could be ensured more effectively and directly from the water.

Assessment criteria	Option 3: The establishment of specified commercial and recreational maritime facilities (zones), and – within these zones – a fees schedule for operators in commercial areas that is based on tonnage of catch.
Facilitate an appropriate balance of recreational and commercial use of local maritime facilities:	<ul style="list-style-type: none">• Creating designated commercial zones for commercial operations in the region would ensure that both residential and commercial users could access the relevant maritime facilities for their activities without restriction.• Commercial operators may feel aggrieved that they have to pay for their use and recreational users do not. However, this will only be a charge based on catchment (if they do not catch anything, there will be no charge). Also, the profit generated from their operations may allay frustration that will come with the payment of a nominal fee.• Residents and recreational users of sites such as Ōpito Bay would benefit significantly from this change, as access to their small, local boat

Assessment criteria	Option 3: The establishment of specified commercial and recreational maritime facilities (zones), and – within these zones – a fees schedule for operators in commercial areas that is based on tonnage of catch.
	<p>ramp would not be compromised by commercial activity taking place in these largely unsuitable facilities.</p> <ul style="list-style-type: none"> Most notably, this option would result in the most noticeable change for these concerned residents, who are currently dealing with significant commercial activity on facilities that are not designed for that kind of work.
Financial benefits for Council:	<ul style="list-style-type: none"> Given that commercial operators would not be able to make nor increase their profits without access to Council facilities, FNDC can justifiably charge a fee per catchment to generate revenue which, in turn, would be reinvested in the continued maintenance, and potential future development, of maritime facilities. An independent review of the state of the FNDC's maritime facilities stated that the current maintenance costs of these facilities is relatively low. However, the same review suggests that many of these facilities are not in a state fit for a continued level of operation. Revenue generated through charges to commercial operators would therefore be available to allocate to the long-term improvement of these facilities, rather than maintaining the status quo of the condition of the ramps and wharves.
Community endorsement and satisfaction	<ul style="list-style-type: none"> This option would offer a practical solution to the residents of sites such as Ōpito Bay, which would offer an immediate change and improvement in the form of increased and prioritized access to their local maritime facility. The key frustration from residents that came to light following both our own research and the findings of the FNDC was that recreational use of maritime facilities was being limited or impeded through commercial occupation of maritime facilities. This option would ensure that this will not continue. Some facilities may be within commercial zones and still have recreational use. However, these facilities would be of the size and capacity that would allow for dual use without either party's access being restricted. This option has no foreseeable negative affect on recreational users of maritime facilities in the region, and subsequently it is assumed that this would be met with satisfaction and approval. Residents would be able to access their local maritime facilities with less commercial traffic, with no trade-off for these recreational users.

4.4. OPTION 4: A 'hybrid' solution drawing on Options One, Two and Three

After discussing the three options above with Council staff it was agreed that the best elements of each could be combined into one 'hybrid' option: given the strength and quality of the existing

draft MFB 2017 (Option 2) it should form the basis for combining a sliding scale of fees (Option 1) and the zoning of particular maritime facilities (Option 3).

As it currently stands, the draft MFB 2017 does not set out a fees schedule for the use of facilities. In relation to our criteria for assessing option, applying a fees schedule and designating commercial and recreational zones within the draft MFB 2017 would –

- a) create legislation that regulates and manages a balance between commercial and recreational activities and interests;
- b) generate revenue for the FNDC which would flow back into the reinvestment in the maintenance and improvement of maritime facilities; and.
- c) meet with community satisfaction insofar as recreational users would be on the lower end of any sliding scale of fees (and would also have exclusive access to facilities that are categorised as solely “recreational”) and the facilities themselves would be held in optimal condition.

4.4.1. Use of Launching Facilities

Clauses 6.5 and 6.6 of the draft MFB 2017 offer a platform for introducing fees and designating and managing commercial and recreational zones. These clauses, which will effectively replace the separate Mooring Charges Bylaw2002, represent a positive intention from the FNDC to better manage commercial and recreational activities. The proposed addition of a sliding scale for fees and commercial zoning will further improve the effectiveness and enforcement capabilities of these clauses.

6. Use of Launching Facilities

[...]

6.5 *The freely permitted use of recreational launching facilities listed in the Schedule is limited to recreational users only.*

6.6 *Commercial operators may be permitted to use recreational launching facilities if approved by Council or its agent and will be subject to:*

- completion of an application to Council;*
- fees as specified by resolution of Council;*
- health and safety and traffic management plans approved by Council if required*
- annual review by Council;*
- any other local conditions specified in a letter of approval.*

4.4.2. Adding Commercial Zoning to the draft Maritime Facilities Bylaw 2017

In order to maximise the intention of clause 6.5, the inclusion of commercial and recreational zones as discussed in Option 3 above should be considered.

The draft MFB 2017 contains a schedule of boat ramps and wharves, grouping them according to their intended use (i.e. recreational or commercial). These groupings could serve as a basis for creating recreational and commercial zones.

Consideration will need to be given to how designated zones are monitored for appropriate use. One possible approach could involve the local harbourmaster's office which would patrol and monitor the use of maritime facilities from the water, ensuring that no unauthorised commercial, activity is occurring in recreational zones in addition to any hazardous or reckless behaviours. In

this context, the imposition of penalties for inappropriate use will be necessary: otherwise the provisions for zoning risk being ‘toothless’.

4.4.3. Including Fees: A Sliding Scale

The draft Maritime Facilities Bylaw 2017 does not contain a schedule of fees for the commercial or recreational use of marine facilities. We suggest including a schedule of fees for users of maritime facilities in the district, with the level of fee varying depending on a number of factors. Some options could include the following:

- a) The payment for the issue of a parking permit for recreational and commercial users alike (which would tie into the FNDC’s new parking bylaw). This would enable the FNDC to manage the numbers and *types* of vehicles and trailers parked at sites at any given time.
- b) Permits that are required for commercial operators and *visiting* recreational boats only. In this way local recreational users would be exempt from having to pay for the use of facilities which they may have actually built themselves, and for which their rates will contribute to ongoing maintenance costs.
- c) Fees for all users: commercial operators would pay a rate calculated as proportion of the catchment/value of their operations on the water; recreational users would pay a flat rate.

While there will be other sliding scale options for the payment of fees for the use of maritime facilities, the revenue generated from these fees should be clearly and transparently earmarked for the maintenance (and potential improvement) of the facilities to ensure ratepayer satisfaction.

For recreational users, one practical and enforceable option for charging a fee would be through the parking bylaw, as this would not require monitoring from the water. Parking permits, or special “coastal amenities parking” permits, could be purchased and presented on a car windscreen / boat-trailer parked at the facility while users are boating. The FNDC would need to create at least one additional FTE for monitoring, patrolling and enforcement. This option may have advantages for local residents who live close to the water’s edge and who could simply put their boat into the water and then return their vehicle and trailer to their nearby home, thereby evading the cost of parking.

Setting charges and fees for commercial operators would require careful consultation. While fees charged by other territorial authorities can be used as a useful guide (refer to Appendices One and Two), it will be important to take into account the unique characteristics and expectations of residents of the Far North District. There will be little appetite or willingness to pay fees that are equivalent to those of districts where rates and living costs are generally much higher.

Considering that commercial operators develop their business while using the necessary Council facilities for free, charging them on the basis of their catch (e.g. amount per tonne of fish / shellfish) may be an alternative approach to charging them (although not readily enforceable).

5. CONSIDERATIONS FOR IMPLEMENTING OPTION FOUR (THE PREFERRED OPTION)

At their meeting held on 15 December 2021 the FNDC decided in favour of Option Four above. This section explores operational considerations relating to the possible implementation of this preferred option, drawing mainly on examples from other territorial authorities.

5.1. Comparisons with other Territorial Authorities

The consideration of similar bylaws of other territorial authorities is a useful tool for forming a practical, feasible and beneficial approach. The challenge of reconciling competing interests in maritime facilities is not unique to the Far North District. For example, in 2020 the Tauranga City Council described a similar problem in relation to their maritime facilities:

Tauranga experiences conflict and competing demands for harbour access both in the commercial sector and in the recreational sector. Conflict can be expected at peak recreational times such as long weekends during the summer months. The type and location of conflict varies but is often centred around Tauranga's premier boat ramps.¹

As a result, the Tauranga City Council reconsidered the way in which marine activity within its district was funded through a split of 30% user fees (berthage fees) and 70% general rates:

Council is seeking to investigate revenue opportunities that increase the amount of funding from direct users and therefore, reduce the portion provided from general rates. This activity has high value assets, with high maintenance costs and the existing funding model is not sustainable in the long term. [...] The Tauranga Marine Precinct² is currently 90-100% funded by user charges.

The FNDC is in a position now also to reconsider its current funding ratios in relation to maritime facilities. For parking, this ratio is currently set in the Far North at 80%-89% general rates and 10%-11% user charges. This could be adjusted to ensure sufficient revenue is generated to maintain facilities and also support monitoring and enforcement (e.g., of issued permits). The concept of the sliding scale of fees (Option One) could be applied in principle to the ratio of rates and user pays for specific types of Council services. For example, while a split of 89% general rates to 11% user charges may apply to parking, a different ratio may apply to the commercial use of a maritime facility such as 11% general rates and 89% user charges.

5.2. Managing Commercial Zones

The collection and management of charges and penalties represent a significant operational dimension to the FNDC's preferred option. As an example of effective practice, the Tasman District Council administers a fees system for commercial zones that is reasonable to the users, and also

¹ Tauranga City Council, October 2020: *Approach to develop a Marine Facilities Strategy and Marine Facilities Development and Management Plan*

<https://www.tauranga.govt.nz/Portals/0/data/future/marine-facilities/files/marine-facilities-strategy-report.pdf>

² The Tauranga Marine Precinct (Vessel Works) is a purpose-built marine servicing hub catering for commercial and recreational vessels large and small: <https://www.vesselworks.co.nz/>

enforceable for the FNDC (refer to Appendix Two). At Port Tarakohe within the Tasman District, for example, activities at commercial zones are monitored through CCTV camera surveillance, effectively reducing the workload for the FNDC's monitoring and enforcement team. All fees and charges are payable in advance, and interest is applied to any overdue payments (at a rate of 1% per month). Alongside berthing and wharfage charges for commercial zones, there is an additional charge based on an operator's total catch. The rate is fixed at \$23.59 per tonne and covers "all marine animals".

Managing and enforcing fees based on total catch for commercial operators would place a greater strain on monitoring. However, the revenue generated from this work would be lucrative for the FNDC and could contribute to not only the maintenance and improvement of the marine facilities that are being used, but also fund the FTEs required to enforce the fees. The number of FTEs required for appropriate enforcement could also be reduced through the installation of CCTV cameras.

5.3. Managing Recreational Zones

Much like the management and enforcement of commercial zones, managing recreational maritime zones could be made easier through investment and implementation of technology. As part of our preferred option, recreational users could pay a small fee (with options for a one-off or annual permit) to access and use recreational maritime facilities. This fee would not be substantial, but it would be implemented to capitalise on the extensive use of these facilities (particularly during the holiday periods) and fund the maintenance and potential future improvement of these commonly community-built facilities. We think that these permits would be most effective if they took the form of a parking permit for boat-trailers, as this is a key "pinch-point" for these small, recreational maritime facilities. A fee in the form of a parking permit, or "coastal amenity parking" permit, would also minimise the impact on locals who can continue to use their "neighbourhood" wharf or ramp to put their boat in the water and take the trailer back to their property. Those purchasing a parking permit would be visitors and tourists to the area.

In order to avoid creating additional burden for the monitoring and enforcement team, the use of common technology could assist in enforcing the payment of permits. For example, a simple parking barrier – much like that at an airport or in an inner-city parking building – could present users with a ticket upon entry. If these users are locals who are dropping their boat and returning their cars, then the time elapsed would not result in required payment. If the vehicles stayed within the carpark for a certain amount of time, however, payment would be required. There could also be a pass that usurps the single use ticket if the FNDC desired to make annual passes a possibility – particularly useful for locals who may use facilities regularly but are not able to leave their trailers at their residences. Another option for the region is using the same system as that which is used at Lake Taupō, where the Harbourmaster and the Department of Internal Affairs (DIA) administer an online boat ramp permit solution. An "E-permit" can be purchased and presented upon request to show that the use of the boat ramp has been paid for.

While this offers convenience for the users of the boat ramps, this solution would require increased coordination with Council monitoring staff and/or local Harbourmasters' offices to monitor, as it would require the presence of staff (either permanent or random) to check that all users either have a physical or "E" permit for use of the maritime facility.

5.4. Importance of consistency across the District

It is important that any policy or system changes encompasses all maritime facilities within the Far North District. Although the catalyst for this work may have been the situation at one particular site, issues arising from steadily increasing demand, limited parking, and maintaining a balance between recreation and commercial activities, are present in most if not all maritime facilities in the district to varying degrees. For this reason, it will be important to categorise all maritime assets (boat ramps and wharves) carefully according to the appropriate and desired use and manage them accordingly. As part of revising the draft MFB 2017's schedule of launching facilities, it may therefore be worthwhile to refer to the excellent and comprehensive Far North Boat Ramp Feasibility Study commissioned through the Tourism Infrastructure Fund in 2019. This study provides individual profiles for boat ramps throughout the district on the basis of which commercial and recreational use could be determined.

5.5. Potential collaboration with the Harbourmaster

References to the harbourmaster have been made above in our discussion of options (see sections 4.1, 4.3, and 4.4.2). As explained to us by key stakeholders with whom we consulted on our presented options, there is potential for the harbourmaster to reinforce the FNDC's monitoring and enforcement activity based on his existing general powers and infrastructure: the monitoring of the use of maritime facilities is more effective and practicable from the water than from the land. Although not within the scope of this review, it may be of interest to the Council to explore the possibility of reaching a memorandum of understanding with the Northland Regional Council about how the harbourmaster can contribute to enforcing the MFB. Section 33F of the Maritime Transport Act 1994³ and Section 8 of the Northland Regional Council and Far North District Council Vesting and Empowering Act 1992⁴ could provide a legislative basis for agreeing such an extension of the harbourmaster's powers.

³ <https://www.legislation.govt.nz/act/public/1994/0104/latest/DLM5689793.html>

⁴ <https://www.legislation.govt.nz/act/local/1992/0002/4.0/whole.html#DLM80193>

(N.B the Local Government Act 1974 is superseded by the Local Government Act 2002).

APPENDIX 1: COMPARATIVE FEE SCHEDULES

Listed below are a range of fees for both commercial and recreational users of maritime facilities in other territorial authorities. There is a noticeable range of fees and charges, so it is important that FNDC considers what level of fee will be most appropriate for the kind of activities that are taking place and the expectations of both residents and commercial operators.

Territorial Authority/Marina	Fees for Recreational Users	Fees for Commercial Users
Christchurch City Council	\$42 berthage (per night)	Less than 10m in length: \$522 (seasonal) Less than 10m in length: \$818 (annual)
Queenstown Lake District Council	\$5 Ramp Permit (24hrs) \$50 yearly permit July 2017-June 2018	\$5 Ramp Permit (24hrs) \$70 yearly permit July 2017-June 2018
Thames Coromandel Council	\$10 Trailer parking permit (casual) \$90 Trailer parking permit (annual) \$30 Casual berthage	\$75 per metre/per annum
Tutukaka Marina (Northland District Council)	10m berth size: \$40 daily, \$605 monthly	10m berth size: \$40 daily, \$605 monthly

APPENDIX 2: FULL FEE SCHEDULES OF OTHER TERRITORIAL AUTHORITIES

Tutukaka Marina

All rates GST and NRC Bio-fouling / Navigation fees inclusive.

ALL FEES ARE APPLICABLE BEGINNING OCTOBER 1ST, 2021

Berth Size	Monthly	Daily
10m/32.75ft	\$605.00	\$40.00
12m/39.5ft	\$730.00	\$49.00
14m/46ft	\$860.00	\$58.00
16m/52.5ft	\$990.00	\$67.00
18m/59ft	\$1120.00	\$76.00
20m/65.6ft	\$1255.00	\$85.00
Inside Pile Berth	\$405.00	\$25.00
Pile Berth	\$405.00	\$25.00
Commercial Wharf	N/A	\$55.00

PRICES: All prices are inclusive of GST & All monthly Fees are to be paid in advance.

Monthly live aboard fee = \$40.00 Inc GST.

Christchurch Pt. 1

Recreation Boats	
Per night	\$42.00
Private vessels, not used commercially, requiring temporary overnight berthing. Maximum stay of 7 nights. During daylight hours, vessels are only permitted to lay alongside the wharf for a maximum of 1 hour, unless undertaking maintenance.	

Christchurch Pt. 2

Commercial Operators	
Boat Length less than 10m – Seasonal	\$522.00
Boat Length less than 10m – Annual	\$818.00
Boat Length greater than 10m – Seasonal	\$818.00
Boat Length greater than 10m – Annual	\$1,151.00
Includes fishing, passenger, service vessels. Rate applies to those vessels with access to a swing mooring. Rate provides for set down of catches. Maximum time alongside wharf of 1 hour, apart from maintenance periods. Seasonal rate applies for up to 6 months consecutive usage. Council reserves the right to negotiate rate depending on the size of the vessel and/or the number of passenger visits or length of use.	

Thames Coromandel

All fees and charges are inclusive of GST.

Harbours	Units	2021/2022
Coromandel-Colville		
Recreational Boat Launching / Trailer Parking Annual Permit .	Per permit	\$90.00
Recreational Boat Launching / Trailer Parking Daily Permit .	Per permit	\$10.00
Annual wharf use permit for mooring holders.	Per permit	\$10.00
Commercial Wharfage	Per metre/per annum	\$75.00
Slipway Grid (Emergency Maintenance only - Te Kouma)	Per berth/per day	\$65.00
Boat Sheds	Per shed	\$350.00
Slipways	Per slipway	\$550.00
Passenger Fee (Ferries and Charter Boats)	Per passenger over 5 years of age. Charged per embarkment and disembarkment.	\$1.00
Casual Berthage	Per berth/per day	\$30.00
Commercial advertising/signage at Hannafords Jetty and Coromandel Wharf	Annual fee	\$50.00
Whangamata		
Recreational Boat Launching / Trailer Parking Annual Permit .	Per permit	\$80.00
Recreational Boat Launching / Trailer Parking Daily Permit .	Per permit	\$10.00
Annual wharf use permit for mooring holders.	Per permit	\$65.00
Commercial Berthage	Per metre/per annum	\$38.00
Casual Berthage	Per berth/per day	\$30.00
Mercury Bay		
Recreational Boat Launching / Trailer Parking Annual Permit where applicable	Per permit	\$80.00
Recreational Boat Launching / Trailer Parking Daily Permit where applicable	Per permit	\$10.00
Annual wharf use permit for mooring holders.	Per permit	\$65.00
Commercial Wharfage	Per metre/per annum	\$48.00
Casual Berthage	Per berth/per day	\$30.00
Service Vehicles (High)	Per annum	\$687.00
Service Vehicles (Low)	Per annum	\$490.00
Tairua/Pauanui		
Commercial Wharfage	Per metre/per annum	\$48.00
Casual Berthage	Per berth/per day	\$30.00
Thames		
Commercial Wharfage	Per metre/per annum	\$48.00
Berthage	Per metre/per annum	\$150.00
Casual Berthage	Per berth/per day	\$30.00

Queenstown

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 2017 – 30 June 2018	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
56m ² up to 84m ²	750
84m ² and over	920

Tauranga

Base rates are set out in the table below. The webpage provides details on r

<https://www.tauranga.govt.nz/council/forms-fees-and-payments/fees-and-charges/marine-facilities-fees>

Wharf Licences	Charges
All wharf berthing charges are calculated on a per metre of vessel length (overall vessel length not waterline).	Daily Rate (or part day)
Bridge Wharf (more than 7 days)	\$2.10 per metre
Bridge Wharf (less than 7 days or used as work berth)	\$2.30 per metre
Fisherman's Wharf	\$1.80 per metre
Railway Wharf	\$1.80 per metre
Cross Road Wharf (Vessels over 18m)	\$50.00 per hour
Cross Road Wharf (Vessels under 18m)	\$35.00 per hour
Wharfage	\$3.00 per tonne
Wharfage Fees are adjusted from time to time and published on the vessel works website . Rates for single occupancy and single hull vessels. Wider vessels priced upon application.	

In Tauranga, the commercial use of larger marine infrastructure is managed by Council-owned organisation VesselWorks

<https://www.vesselworks.co.nz/about/>

<https://www.vesselworks.co.nz/facilities/#commercial-vessel-ramp> (with price list by metre with minimum vessel length charged at 15 metres)

Tasman District Council

Down the road from Nelson at the Tasman District Council, there is quite a detailed schedule of fees and charges, including a rate based on catch volume:

Wharfage	Charges from 1 July 2021 incl. GST
Fish and shellfish	
Includes all marine animals	\$23.59/tonne

<https://www.tasman.govt.nz/my-region/transport/ports-and-wharves/>

Although the economies of scale at Port Tarakohe are different to the maritime facilities in the Far North District, some of the (quite strict) terms and conditions for the commercial use of the wharf facilities could be adapted for your Council's purposes, for example –

- *Port Tarakohe has cameras located around the Port to monitor activity, health & safety and security risks. The footage from these cameras will be used to support enforcement of charges for the use of facilities at the port.*
- *All charges for berths, moorings, storage and leased areas are payable in advance. For any overdue payments a penalty interest charge of 1% per month will be payable. All other payments are due on the 20th of the month following on standard commercial trade terms.*
- *All berth, mooring, storage and leased area users are required to sign a current port user agreements when requested by the Port Manager. Any users that refuse to sign a current port user agreement, will vacate their berth, mooring, storage or leased area within 48 hours.*
- *An administration charge of 10% per annum may be added to any charges paid by instalments during the year.*
- *Visitors and users that do not notify the Port Manager 24 hours before arrival to pre-arrange berthing requirements, will be charged a penalty fee of \$100 (including GST).*
- *No storage is permitted on wharf structures unless specifically authorised by the Port Manager in writing. Storage rates apply after 24 hours of cargo/material arriving (allowance to be made for extenuating circumstances such as bad weather).*

Nelson

Nelson charges recreational boat harbour annual licencing and mooring fees, including special rates for visitors:

<http://www.nelson.govt.nz/services/facilities/nelson-marina/marina-fees-and-forms/>

Marina Berths - Visitor Rates

Boat length	Fee (incl GST)
Less than 18 metres	\$32.30 per day *
18 metres - 20 metres	\$48.70 per day *
More than 20 metres	\$4.90 per metre of vessel per day
Multi-hulls will be charged at 1.5 - 2.0 x single berth Visitor Rate inc GST.	

* A surcharge of \$5 per person, per day, will apply where a vessel is carrying more than two persons over the age of ten years. The surcharge will apply only to the additional persons carried.

Commercial operations may take place in Nelson waters provided they do not interfere with recreational activities, and “*preserve the District’s reputation as a safe and enjoyable place for tourism and for boating and watersports in general.*”

<http://www.nelson.govt.nz/council/bylaws/bylaw-218-navigation-safety/commercial-vessel-operation/>

LICENCE REQUIRED

In order to operate a commercial service, scheduled, non-scheduled or offering rental services, a licence must first be obtained from Council.

Licences will only be issued when Council is satisfied that the operation:

- will not diminish the level of safety of other activities in the vicinity;
- will not cause congestion or any unsafe practice at points of embarkation or disembarkation, or at any place en route.

The requirement is not currently applied to genuine commercial fishing vessels and genuine workboats that do not carry passengers or frequent the more popular parts of the coastline.

Taupō - E-permits

For the Lake Taupō Harbourmaster the DIA administers an online boat ramp permit purchasing solution.

“A friendly reminder that there is zero tolerance if you are unable to produce a valid ramp permit when using an Internal Affairs Lake Taupō boat ramp. Hardcopy permits can still be purchased from a number of agents around Lake Taupō.”

<https://www.dia.govt.nz/Lake-Taupo-Boat-Ramps#ePermit>

<https://ramp-permit-taupo.dia.govt.nz/>

<https://www.boprc.govt.nz/living-in-the-bay/boating-in-the-bay/being-safe/harbourmaster-team>

	<i>Fee from 1 November 2019</i>
24 hours	\$6.00
2 weeks	\$43.00
12 months	\$110.00

Mooring fee options

	<i>Fee from 1 November 2019</i>
Monthly	\$61.00
Annual	\$232.00

Temporary berthing permit fee options (any Crown facility)

	<i>Fee from 1 November 2019</i>
24 hours	\$40.00
Weekly	\$200.00
Monthly	\$400.00