



FAQ'S Frequently asked questions

Ports and Wharves Bylaw

Ture ā-rohe Tumu Herenga Waka me ngā Wahapū

What is the Ports & Wharves Bylaw?

He aha te Ture ā-rohe Tumu Herenga Waka me ngā Wahapū?

This bylaw regulates how Council owned port and wharf structures across the Whakatāne District can be used.

It applies to port structures in:

- the Whakatāne Port Zone
- the Rangitāiki River mouth, and
- Ōhiwa Harbour.

It ensures these busy and important marine areas operate safely and efficiently.

What does the bylaw cover?

He aha kei raro i te mana o te ture-ā-rohe?

The bylaw regulates:

- use of port structures (wharves, ramps, jetties, groynes)
- berthage and licensing
- parking, loading and unloading
- dangerous goods
- navigation aids
- living on vessels
- exclusive or event use of port structures
- fishing behaviour, rubbish, and nuisances
- refuelling restrictions (including the prohibition at Otuawhaki)
- damage to port structures
- written permission processes.

What does the bylaw NOT cover?

He aha KĀORE i raro i te mana o te ture-ā-rohe?

The Bylaw does not regulate:

- swimming
- diving/jumping from platforms
- other water safety matters that may conflict with vessels

These are managed by Bay of Plenty Regional Council under its Maritime Safety Bylaw.

(An explanatory note reminds users that jumping and water activity are at their own risk.)

Can I live on my vessel?

E āhei ana kia noho ahau i tōku waka?

Only in very limited circumstances. Living onboard is allowed only when:

- the vessel has proper effluent and blackwater containment, and
- the stay is no more than:
 - 7 consecutive days, or
 - 14 days within any 3month period, unless prior written permission is granted.

Can I fish from port structures?

E āhei ana te hī ika i ngā hanganga tumu herenga waka?

You may fish, but you must:

- keep 50m away from any vessel approaching or departing
- remove all fishing waste (guts, bait, hooks, line)
- rinse down the area
- avoid creating hazards or blocking activity
- stop fishing when a vessel is approaching and pull lines in.

What activities require written permission?

He aha ngā mahi me whai whakaaetanga ā-tuhi?

You need written permission for:

- organised events within 10m of the navigation channel
- dwelling on a vessel beyond permitted timeframes
- exclusive or private use of port structures
- some commercial uses
- berthing a vessel at a port structure
- activities that may obstruct commercial operations.

Applications must be lodged at least 30 days in advance (except funeral processions).

What behaviour is not allowed on port structures?

Ngā whanonga kāore e whakaae ana ki ngā hanganga tumu herenga waka

“No person shall” (absolutely prohibited):

- obstruct or block commercial operations
- interfere with navigation aids, lights or buoys
- damage safety equipment or spill kits
- cause a nuisance
- light fires
- block fuel bays or loading zones
- leave vehicles/vessels in ways that block ramps or wharves
- leave vehicles parked in the wrong areas
- leave trailers/vessels parked continuously (3–5 days)
- leave goods/cargo more than 48 hours without approval
- refuel at Otuawhaki Wharf.

Do commercial vessels get priority?

Ka mātua ngā waka tauhokohoko?

Yes.

Port structures are provided primarily for commercial operations, though recreational vessels may be permitted when it does not interfere with commercial activity and when they have the required licence or permission.

How does berthage work?

He aha ngā āheinga o te ūnga?

- You must apply for a berthage licence
- Licences may be limited when supply is tight
- If no berths are available, you will be added to the waiting list
- A licence lasts up to 24 months
- Licences can be suspended or revoked if conditions are breached
- Licence holders must pay berthage fees whether or not the berth is used
- Berths cannot be sublet or assigned.

What are the rules for dangerous goods?

He aha ngā tikanga e hāngai ana ki ngā rawa mōrearea?

- Dangerous goods must be immediately removed after landing.
- Loading onto vessels must only occur:
 - in sealed containers, or
 - at the designated refuelling berth at the Whakatāne Game Wharf.
- Refuelling at Otuawhaki Wharf is prohibited.
- Users must follow the Bay of Plenty Regional Council Maritime Safety Bylaw requirements.

What happens if I damage a public wharf, ramp, or jetty?

Ka aha ina ka pakarū i āu he wahapū tūmatanui, he awapoti, he wāpu rānei?

You are liable for all damage caused, including by:

- your vessel
- equipment
- trailers, or vehicles
- employees or contractors acting on your behalf.

Council may repair the damage and recover all costs.

How do written permissions and approvals work?

He aha ngā āheinga a ngā whakaaetanga ā-tuhi me ngā whakapai?

The bylaw includes a detailed Part 4 that sets out:

- application requirements
- consideration factors
- conditions that may be imposed
- the ability to amend permissions
- the process for suspension or cancellation
- objection rights (20 working days)
- that approvals are not transferable.

What are the penalties?

He aha ngā tautuku?

Breaching the bylaw may result in:

- notices requiring compliance
- suspension/cancellation of written permissions
- recovery of costs for repairs or towing
- fines up to \$20,000 under the Local Government Act.