

## Port Tarakohe Marina Rules

### 1. APPLICATION

- 1.1 These Rules apply to all users of the Port Tarakohe Marina (the **Marina**) and by entering the Marina, the user accepts these Rules. These Rules supplement the terms of a Marina Berth/Mooring Licence and Casual Berth/Mooring Rental Agreement between Tasman District Council (**TDC**) and a licensee (each a **Licence**), and for the avoidance of doubt, these Rules apply regardless of whether or not the user has a Licence.
- 1.2 These Rules may be updated, replaced, or varied from time to time by TDC.
- 1.3 References to "TDC" in these Rules include, where appropriate, TDC's appointed Port Manager (or someone acting in that role) and other TDC authorised representative(s).

### 2. USE OF MARINA

#### **Only licensed boats allowed**

- 2.1 No person may berth or moor or knowingly permit any boat to be berthed/moored in the Marina unless the owner of that boat is licensed to use that berth or mooring (the **Berth/Mooring**) under a Licence, or the person otherwise has written permission from TDC (**Licence**).
- 2.2 Commercial activities may only be undertaken in the Marina with TDC's prior written consent.

#### **Boat requirements**

- 2.3 Each user/Licensee must at all times ensure that:
- (a) their boat is seaworthy, capable of making way under its own power, passes any safety inspection required by TDC and is otherwise in a good state of repair;
  - (b) no part of their boat (including any fittings or attachments (including pulpits, platforms, bowsprit, engines, rudders, or dinghies)) extends beyond the dimensions of the Berth or Mooring without TDC's written consent;
  - (c) the fittings and mooring lines on the boat are of suitable strength, design, and condition to adequately and safely secure the boat and it is so secured at the Berth or Mooring on the mooring points provided;
  - (d) if the boat is connected to shore electricity reticulation, all electrical leads between the boat and the shore outlet do not present a health and safety hazard, have a valid electrical test tag and comply with all relevant electrical regulations (including the user/licensee holding a current electrical warrant of fitness) and any other requirements imposed by TDC;
  - (e) all halyards and other lines and rigging on the boat are secured so as to minimise noise;
  - (f) the boat, and all of the user/Licensee's activities at the Marina, comply with all applicable laws and regulatory requirements and any guidelines, codes of practice or other lawful instructions or directions issued by TDC.

#### **Port Tarakohe is an active Marina in a working port**

- 2.4 Each user/Licensee acknowledges and agrees that:
- (a) the Marina is located within a working port which operates all year round, at all hours of the day and night, and that this may cause noise, dust, navigational challenges and other disturbances from time to time;
  - (b) the Marina and the Berth/Mooring must not merely be used as a storage facility for their boat and users/Licensees must ensure that the boat is regularly maintained.

#### **Berth/Mooring use restrictions**

- 2.5 No person may:
- (a) operate any boat in the Marina at a speed greater than 3 knots or outside the marked navigation channels, or otherwise operate or moor in a manner that causes or risks damage to other property or discomfort, danger, obstacle or inconvenience to TDC or other persons;
  - (b) leave anywhere in the Marina anything that restricts the passage of pedestrians or otherwise causes a

danger, obstacle or inconvenience, nor store anything within the Marina without TDC's prior written consent;

- (c) erect any structure (including any signage) within the Marina nor attach any item to any piles, piers or walkways without TDC's prior written consent;
- (d) use firefighting equipment supplied by TDC for any purpose other than fighting fires;
- (e) solicit for business within the Marina or use a boat or any part of the Marina as a business address without TDC's prior written consent;
- (f) use electric sanders or spray painting equipment within the Marina without the Port Manager's prior written consent;
- (g) engage in conduct that is illegal, obnoxious or offensive or that adversely affects the peace, enjoyment or privacy of other Marina users or anyone else (including by generating excessive noise) or in any way interferes with or obstructs TDC's operations.

### 3. USE OF STORAGE COMPOUND

No person may access or use the boat storage compound at Port Tarakohe without a boat storage compound licence or the Port Manager's written permission.

### 4. ACCESS

#### **Open 24/7**

- 4.1 The Marina is open 24 hours a day to Licensees.

#### **Access cards and parking permits**

- 4.2 TDC may provide Licensees with access cards to access the Marina and Marina toilets. Licensees may park a vehicle (or more than one with the Port Manager's consent) in the Marina car park area. Access cards must not be transferred to or shared with any other person.

#### **Contractors and service providers**

- 4.3 Each user/Licensee will ensure that any contractor or service provider or other agent engaged by that user/Licensee who wishes to access the Marina to provide goods or services complies with these Rules.

### 5. ENVIRONMENTAL PROTECTION AND BIOSECURITY

- 5.1 No person may pollute or permit the pollution of the Marina or the surrounding environment. In particular no person may discharge or dispose of any sewage, garbage, oil, fuel or other material or contaminant on the Marina or into its surrounding environment.
- 5.2 Users/Licensees must keep hulls clean of designated marine pests, unwanted organisms, free of conspicuous bio-fouling, and undertake regular cleaning and bio-fouling. Users must co-operate and comply with any requirements of TDC and/or other relevant authorities responsible for surveillance, surveys and control of unwanted or risk organisms.
- 5.3 TDC may, in its sole discretion, exclude from the Marina any boat or equipment which is known to harbour unwanted or risk organisms until satisfactory evidence is produced that appropriate treatment has been completed.
- 5.4 Refueling of boats within the Marina may only be by means of hand-held approved fuel containers (complying with applicable laws and regulatory requirements). Fuel and other hazardous substances may not be stored anywhere within the Marina, provided that LPG cylinders and lubricants required for normal boat operations may be stored on board in compliance with all applicable laws and regulatory requirements.
- 5.5 No person may empty a bilge into the Marina unless it is completely free of contaminants
- 5.6 Some protected wildlife live in and around the Marina. Users/Licensees must respect such wildlife and comply with all relevant legislation and lawful directions governing the protection of such wildlife.

## 6. LIVING ON BOARD

- 6.1 No person may live on board (i.e. sleep overnight for 3 or more nights) any boat at the Marina or permit anyone else to do so without TDC's prior written approval.
- 6.2 Any person living on board a boat at the Marina with TDC's approval must:
- pay the live aboard charge, at the rate set out in the prevailing Schedule of Fees and Charges published on [www.tasman.govt.nz](http://www.tasman.govt.nz);
  - use one power point per boat. Electricity consumption is limited to battery chargers and small household appliances (e.g. TV, radio). No electrical heaters are to be left switched 'on' in unattended boats;
  - have a functioning black water holding tank if the boat is fitted with a toilet, which is to be used by persons living on board. In all other cases, shore-side toilets and showers must be used;
  - not have pets on board without the Port Manager's consent;
  - maintain any vehicles in the Marina car park in good condition and not use such vehicles as storage.
- 6.3 TDC may limit the number of people permitted to live on board any boat at the Marina and may at any time on 30 days' notice revoke any live aboard approval previously granted.

## 7. CHILDREN TO BE SUPERVISED

Children in the Marina must be supervised at all times by a responsible adult.

## 8. SWIMMING PROHIBITED

No person may swim, dive, or engage in any other underwater activities within the Marina, other than for the purpose of any vessel inspection, repairs or maintenance (and then only in accordance with all applicable laws and regulatory requirements and any instructions or directions of the Port Manager).

## 9. ALCOHOL PROHIBITED

No person may consume alcohol within the Marina, except on private boats or on licensed premises or other premises where the consumption of alcoholic beverages is not prohibited by law.

## 10. PETS AND ANIMALS TO BE CONTROLLED

No animals or pets may be kept in the Marina without the Port Manager's prior consent (which may be revoked at any time). All animals and pets must be kept on a lead or otherwise restrained while in the Marina and they must not disturb other Marina users. Any damage or faeces caused by animals must immediately be cleaned/rectified.

## 11. HEALTH AND SAFETY IS PARAMOUNT

- 11.1 Each Licensee and Marina user agrees and undertakes to ensure so far as is reasonably practicable the health and safety of all workers and other persons whose activities are influenced or directed by that Licensee/user and to undertake all activities in strict compliance with the Health and Safety at Work Act 2015 and all other applicable law and TDC's health, safety, security and environmental directions, instructions, policies and procedures.
- 11.2 Each Licensee/user must immediately notify the Port Manager:
- of any personal injury or property damage, or any incident exposing any person to a serious risk to their health or safety, caused by the Boat or by any act or omission of the Licensee/user or its invitees, agents and employees (in addition to complying with any applicable law or legal requirement);
  - if it identifies any actual or potential health and safety hazard at the Marina (or anywhere at Port Tarakohe), whether due to that person's activities or not.

## 12. UNAUTHORISED USE

- 12.1 Unauthorised use of the Marina or boat storage compound is trespass. Without limiting any other right or remedy TDC may have, TDC may impose a charge for unauthorised use of the Marina or storage compound based on TDC's daily berth/storage rental fee (set out in the prevailing Schedule of Fees and Charges published on [www.tasman.govt.nz](http://www.tasman.govt.nz)) plus any additional amounts TDC requires to recover its costs (including without limitation, legal and other enforcement costs).
- 12.2 TDC may move or remove or secure or carry out necessary repairs on any unauthorised vessel from/in the Marina or storage compound and may enter on the vessel for that purpose, particularly if such actions are necessary to prevent loss or damage to other property or in an emergency situation (as determined by TDC) and such actions will be at your risk and cost, TDC will not be liable for, and you indemnify TDC against, any actions, claims, demands, losses, costs and expenses incurred in, or resulting (whether directly or indirectly) from, the exercise of the powers contained in this Rule except to the extent caused by TDC's negligence.
- 12.3 Without limiting or excluding any common law or statutory lien TDC may have, TDC has a lien over any unauthorised vessel or other property located at the Marina or in the storage compound for all unpaid amounts payable under Rules 12.1 or 12.2.