

# Harbourmaster's Direction

## Marlborough

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# Foreword

The Marlborough District Council has adopted the New Zealand Port and Harbour Marine Safety Code (the Code) and applies the principles described within the code to marine operations on the region's waters.

The movement of vessels within the Marlborough Harbour is subject to control and direction by the Harbourmaster. This Direction sets a number of control measures that are applicable across the region, or a specific area or operation, to enable the adequate implementation of the code.

The purpose of this Direction is to enhance the regulatory framework in place in Marlborough to ensure maritime safety. However, the Harbourmaster acknowledges that a number of matters contained in this Direction may be more appropriately regulated through Bylaws. As such, all matters contained in this Direction will be proposed as Bylaws during the next Navigation Bylaw review.

## 1. Preamble

- 1.1 For the purpose of mitigating risks to maritime safety and controlling the safe operation of vessels in the region's waters, including, particularly, port areas and harbours, the Harbourmaster directs that vessel and related maritime activities shall be conducted in accordance with the applications, purposes and requirements of this Direction.
- 1.2 This Direction is made pursuant to:
  - a) Section 33F of the Maritime Transport Act 1994 (the Act); and
  - b) Section 48 and section 60A(2) of the Maritime Transport Act 1994, as delegated by the director to the Harbourmaster under section 444(2) of the Act and consented by the Minister of Transport under section 444(4) of the Act; and
  - c) the Marlborough District Council Navigation Bylaw 2023 (the Bylaw);

## 2. Application

- 2.1 This Direction applies to all vessels operating in the Marlborough Harbour.

## 3. Variation

- 3.1 The Harbourmaster may, upon written application, vary the rules in this Direction for a vessel or specific class of vessels. This will be done on a case-by-case basis, and only where the overall standards of maritime safety are not, in the opinion of the Harbourmaster, diminished.

## 4. Liability

- 4.1. The Council shall not, in any case, be responsible for any loss or damage arising from the negligence of the Master or crew of any vessel to which this Direction applies, or for any loss, damage or incident involving the vessel.

## 5. Interpretation

- 5.1. To avoid doubt, compliance with this Direction does not remove the need to comply with all other applicable Acts, regulations, Bylaws, and rules of law.
- 5.2. With the exception of the expressions and terms defined in the table below or, unless the context requires another meaning, a term or expression used in this Direction that is defined in the Act, a New Zealand Maritime Rule or the Bylaw, has the meaning given by the Act or Maritime Rule or the Bylaw.
- 5.3. In this Direction, unless the context otherwise requires:

<b>Accident</b>	has the same meaning as in Section 2 of the Maritime Transport Act 1994
<b>Automatic identification system (AIS)</b>	means an operational transceiver of class A or class B that complies with the requirements of the International Maritime Organisation (IMO)
<b>Bylaw</b>	means the Marlborough District Council Navigation Bylaw
<b>Chartered anchorage</b>	means an anchorage marked on a paper or electronic nautical chart as published by Land Information New Zealand
<b>Gross tonnage (GRT)</b>	means the gross tonnage of a ship determined under Maritime Rule Part 48 or the tonnage measurement rules contained in Annex 1 of the International Convention on Tonnage Measurements of Ships 1969
<b>Hot work</b>	includes activities such as grinding, welding, soldering or other work involving flames or generating sparks
<b>Incident</b>	has the same meaning as in Section 2 of the Maritime Transport Act 1994
<b>Marlborough Harbour</b>	means the seaward boundary of the Harbour limits as described in the Marlborough District Council Navigation Bylaw
<b>Person in charge</b>	means a person over 15 years of age who is the master or skipper of the vessel or in the absence of a master or skipper is the person navigating the vessel
<b>Picton Harbour</b>	means those waters which lie inside a line drawn between Wedge Point light and the Snout light
<b>Pilot</b>	has the same meaning as Section 2 of the Maritime Transport Act 1994
<b>Pilotage limits and pilotage areas</b>	means those areas within the Marlborough Harbour Limits described as pilotage areas in Appendix 1 of Maritime Rule 90
<b>Pilot Exemption Certificate (PEC)</b>	means a current Pilotage Exemption Certificate issued under Maritime Rules Part 90
<b>Port Facility</b>	Includes all wharves, berths and jetties that are; <ul style="list-style-type: none"> <li>• within the Havelock, Picton, Elaine Bay or Waikawa marina or;</li> <li>• within the Port Zone in Picton Harbour as defined in the Marlborough Environment Plan or;</li> <li>• within Oyster Bay in Port Underwood or;</li> <li>• owned by the Marlborough District Council</li> </ul>
<b>Vessel</b>	means the same as “ship” as defined in Section 2 of the Act

## **6. General Requirements**

### **6.1 Pre Arrival**

- 6.1.1 With the exception of the vessels identified in clause 6.1.3, every vessel of 350 gross tonnes or more intending to enter the Marlborough Harbour must provide to the Harbourmaster a completed Harbourmasters Pre-Arrival Form signed by the Master of the vessel.
- 6.1.2 The pre-arrival form should be submitted to the Harbourmaster at least 12 hours prior to entering the Marlborough Harbour limits.
- 6.1.3 The requirements to complete a Harbourmaster's pre-arrival form as outlined in clauses 6.1.1 and 6.1.2 of this Direction do not apply to Interislander or StraitNZ vessels.

### **6.2 Communication**

- 6.2.1 Every vessel of 350 gross tonnes or more intending to navigate within the Queen Charlotte Sound or Tory Channel Pilotage Areas or within the waters of Cloudy Bay or Port Underwood, must contact Picton Harbour Radio on VHF Channel 18 at least 30 minutes prior to entering the Marlborough Harbour.
- 6.2.2 Every vessel of 350 gross tonnes or more navigating within the Queen Charlotte Sound or Tory Channel Pilotage Areas or within the waters of Cloudy Bay or Port Underwood, must maintain a listening watch on VHF 18 at all times.

### **6.3 AIS**

- 6.3.1 Every vessel of 350 gross tonnes or more that is equipped with AIS (Automatic Identification System) must ensure that the AIS is operational at all times when the vessel is underway or making way or at anchor within the Marlborough Harbour.
- 6.3.2 Any vessel unable to comply with the requirements of 6.3.1 must notify the Harbourmaster immediately.

### **6.4 Air Emission Purification Systems (Scrubbers)**

- 6.4.1 Any vessel operating in the Marlborough Harbour and using an air emission purification system (exhaust scrubber) to comply with MARPOL Annex VI must;
  - a) operate the system in zero discharge mode and retain any effluent on board and;
  - b) ensure all effluent remains on board until it can be disposed of at an available port facility or discharged outside territorial waters.
- 6.4.2 Any vessel intending to navigate within the Marlborough Harbour that must change to a low sulphur fuel in order to comply with MARPOL Annex VI must ensure that the changeover occurs at least four (4) hours prior to entry into the regional territorial waters.

### **6.5 Incidents and Accidents**

- 6.5.1 The Master or person in charge of any vessel involved in an incident or accident in the waters of the Marlborough Harbour must report the incident or accident to the Harbourmaster immediately or as soon as it is safe to do so.

## 6.6 Anchoring

6.6.1 Any vessel of 500 gross tonnes or more seeking to anchor in the Marlborough Harbour must only anchor in anchorage areas published on nautical charts issued by the New Zealand Hydrographic Authority (LINZ). The four charted anchorages in Marlborough are;

Queen Charlotte Sound (anchorages number 1 and number 2)  
Picton Harbour (quarantine anchorage)  
Cloudy Bay

Anchoring in any other location requires the express permission of the Harbourmaster.

6.6.2 Except where permission has been obtained by the Harbourmaster, only vessels of 135 meters or less in length overall are permitted to anchor in the Quarantine Anchorage in Picton Harbour.

6.6.3 Any request to the Harbourmaster for permission to anchor outside a charted anchorage should be made at least 24 hours before arrival at the proposed anchoring location and include;

- a) a proposed anchorage position
- b) a passage plan to the anchorage

6.6.4 Every vessel that anchors in a charted anchorage in the Marlborough Harbour must advise Picton Harbour Radio on VHF 18;

- a) as soon as it is secure at anchor and;
- b) on departing the anchorage, as soon as the anchor is aweigh

Except in an emergency, no vessel of 350 gross tonnes or more is permitted to anchor in Tory Channel.

## 6.7 Zodiac and Tender Operations from Ships

6.7.1 Ships that carry tenders, zodiacs, rescue craft or similar craft must not use these vessels to transport passengers to and from the shore or, for scenic or adventure activities within any part of the Marlborough Harbour unless;

- a) the vessel or vessels to be used for transport of passengers conforms to a recognised regulatory framework administered and overseen by the ships flag state or Maritime New Zealand and;
- b) the Master of the ship which carries the vessels to be used for transport considers the skipper or coxswain competent for the task and;
- c) the skipper or coxswain of the vessel to be used for transport has completed an appropriate training programme to enable safe operation of the vessel. The training programme must be recognised by the ships flag state or Maritime New Zealand and;
- d) the Harbourmaster has received notification of the activity.

## **6.8 Cargo**

- 6.8.1 Any person or organisation involved in loading cargo onto a ship or discharging cargo from a ship at a port facility must ensure that on any occasion cargo enters the water the Harbourmaster is immediately informed.
- 6.8.2 Any person or organisation involved in loading cargo onto a ship or discharging cargo from a ship must ensure that any cargo which enters the water is retrieved as soon as possible so as to prevent the cargo becoming a navigation hazard.
- 6.8.3 The Master or person in charge of any vessel that has lost, or may have lost overboard any material or cargo that may endanger safety or navigation within the Marlborough Harbour must ensure the Harbourmaster is immediately notified of the occurrence.

## **6.9 Oil Spills**

- 6.9.1 The Master or person in charge of any vessel from which oil, petrol, diesel or any other hydrocarbon is discharged or spilled, or is at risk of being discharged or spilled into the waters of the Marlborough Harbour must;
- a) take immediate action to contain and recover the spilled product and;
  - b) notify the Harbourmaster immediately via 03 520 7400 or VHF Radio.
- 6.9.2 No person may use or discharge any oil spill dispersant into the waters of the Marlborough Harbour without the express permission of a person described by Section 467 of the Maritime Transport Act 1994.

## **6.10 Hot Work**

- 6.10.1 No person may undertake Hot Work on any vessel berthed at a port facility within the Marlborough Harbour unless;
- a) Notification of the intention to undertake the hot work has been provided to the port facility operator and the Harbourmaster and;
  - b) The hot work is being undertaken in accordance with a Hot Work procedure as defined in the vessels safety management system (ISM, SSM or MOSS) or a procedure approved by the port facility operator and Harbourmaster and;
  - c) A copy of the Hot Work procedure to be followed has been provided to the port facility operator and the Harbourmaster and;
  - d) In the case of vessel berthed alongside Waitohi wharf or Waimahara wharf in Picton Harbour, a hot work permit has been issued by the Harbourmaster.
- 6.10.2 Section 6.10.1 (d) does not apply to StraitNZ vessels or vessels owned and operated by Port Marlborough.
- 6.10.2 No Hot Work may be undertaken within the explosive area of a vessel carrying, loading, or discharging Class 1 dangerous goods as cargo or as part of the vessel's operation.
- 6.10.3 No person may undertake hot work on any commercial vessel underway or at anchor within the Marlborough Harbour unless;
- a) The Hot Work is being undertaken in accordance with a Hot Work procedure as defined in the vessels safety management system (ISM, SSM or MOSS) or a procedure approved by Harbourmaster and;
  - b) A copy of the Hot Work procedure is available for review by the Harbourmaster.

## **6.11 Diving**

- 6.11 No person may undertake diving operations in the vicinity of a port facility or marina within the Marlborough Harbour unless;
- a) Notification of the intention to undertake the diving work has been provided to the port facility operator and the Harbourmaster and;
  - b) The diving work is being undertaken in accordance with a safe diving procedure and;
  - c) A copy of the safe diving procedure has been provided to the port facility operator and the Harbourmaster.

## **6.12 Engine Immobilisation**

- 6.12.1 No vessel over 500 gross tonnes or more may immobilise its main engine within the Marlborough Harbour without the permission of the Harbourmaster.

## **6.13 Use of the Vessel Engine while Alongside**

- 6.13.1 Except for the purpose of routine departure and arrival procedures, no person shall operate the propulsion system of a vessel while it is lying alongside Waimahara or Waitohi wharf without the permission of the port facility.

## **6.14 Security Areas**

- 6.14.1 No vessel may enter a security area as chartered on a navigational chart without the permission of the port facility.
- 6.14.2 No vessel may approach within of 50 meters of a vessel berthed on Waimahara Wharf without the permission of the port facility.

## **6.15 Lifeboat Lowering**

### **6.15.1 No vessel may lower lifeboats for drills, training or maintenance unless:**

- a) Notification of the intention to undertake the activity has been provided to the port facility operator and the Harbourmaster and;
- b) The Master deems the weather and environmental conditions to be suitable for the activity to take place and;
- c) Picton Harbour Radio are advised at the commencement and completion of the operation.

# 7 Pilotage Operations

## 7.1 Pilot Access

- 7.1.1 Every vessel intending to embark or disembark a Pilot within the Marlborough Harbour must ensure that the pilot transfer arrangements comply with regulation 23 of chapter V of SOLAS 1974 or the International Maritime Organization Assembly resolution A.1045(27).
- 7.1.2 No vessel may embark or disembark any person within the waters of the Marlborough Harbour via a pilot transfer arrangement that does not comply chapter V of SOLAS 1974 or the International Maritime Organization Assembly resolution A.1045(27) or New Zealand Maritime Rule Part 53.
- 7.1.3 Any vessel that is unable to comply with the requirements of 7.1.1 or 7.1.2 of this Direction must inform the Harbourmaster immediately.

## 7.2 Wind Limits

- 7.2.1 Except in cases of emergency no Pilot or Master of a vessel of 500 gross tonnes or more may attempt to berth a vessel in Picton Harbour in wind conditions that exceed fifty (50) knots from any direction. The wind speed of 50 knots as applies to this direction will be determined by the '15 minute gust speed' reading as displayed on the Port Marlborough website.
- 7.2.2 For vessels berthing in Picton Harbour the Waitohi wharf anemometer is the reference wind sensor. For vessels berthing in Shakespeare Bay, the Waimahara anemometer is the reference wind sensor.

## 7.3 Draft

- 7.3.1 Except when operating within or near a berth or berth pocket, every vessel of 350 gross tonnes or more must maintain a minimum of 2.0 meters of water under the keel at all times when navigating within the Marlborough Harbour.
- 7.3.2 Vessels secure to a wharf or operating in or near a berth pocket must maintain at least 1.0 meters of water under the keel at all times.

## 7.4 Passage Plans

- 7.4.1 Every vessel that intends to navigate in the Marlborough Harbour with a pilot on board must ensure that prior to entering the harbour limits or departing the berth, the vessels Electronic Chart Display (ECDIS) shows the exact way points, courses and routes as provided by the Port Marlborough Pilots.
- 7.4.2 Every vessel that intends to navigate in the Marlborough Harbour under the conduct of a person holding a Pilotage Exemption Certificate must ensure that prior to entering the harbour limits or departing the berth, the vessels Electronic Chart Display (ECDIS) shows the exact way points, courses and routes intended to be followed and as provided to the Harbourmaster.

**Issued:** 20 October 2023

**By**

A handwritten signature in black ink, appearing to read 'Jake Oliver', written over a horizontal line.

Jake Oliver, Marlborough Harbourmaster