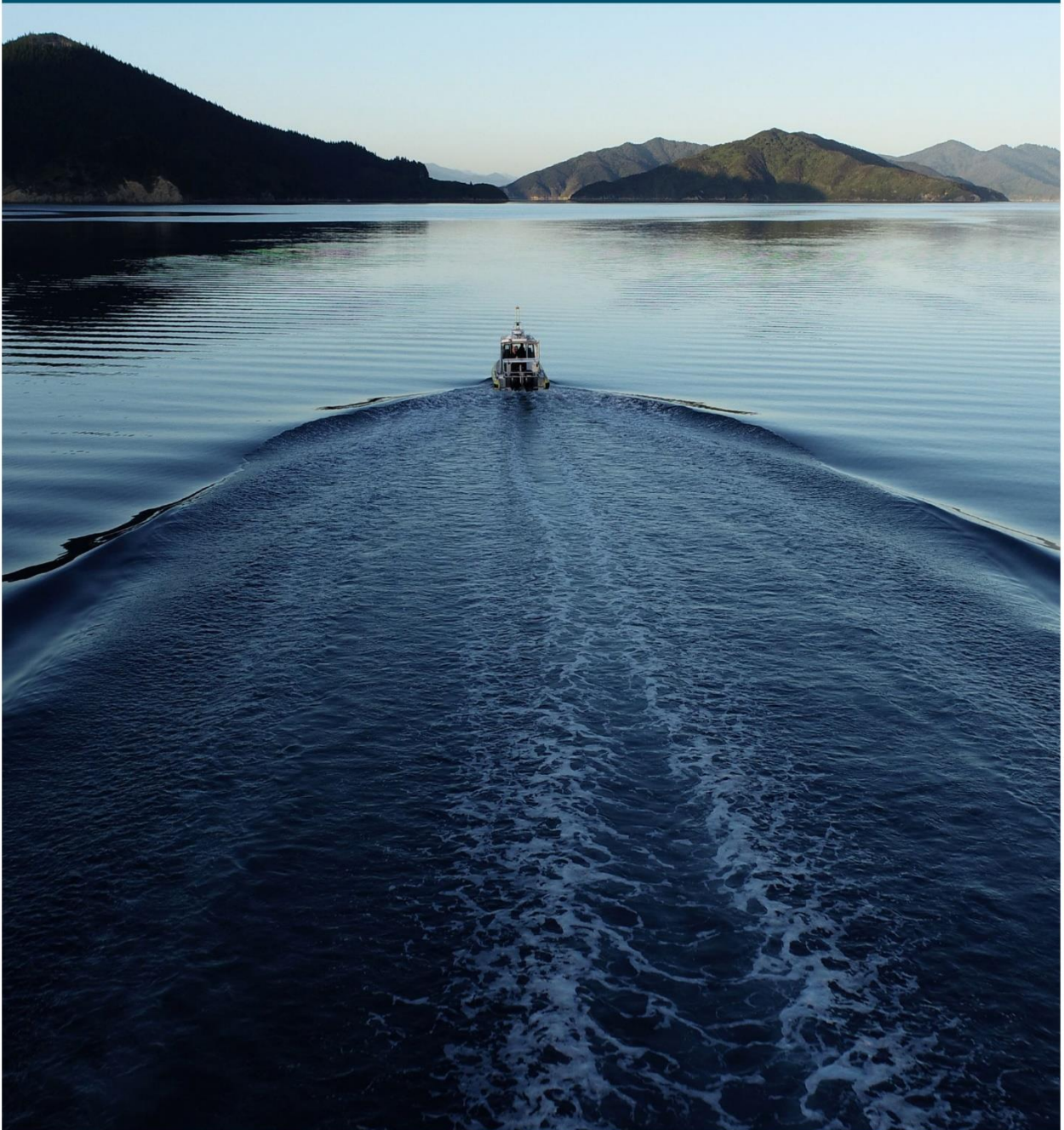


Harbour Safety Management Plan



Revision History

Rev	Date	Description	Prep	Check	Harbourmaster Approval
1	10/2018	Document developed following review of SMS to better align with latest revision of PHMSC	LGR	JEV	10/2018
3	02/2020	Amendments as required in preparation for general public release	LGR	JEV	02/2020
4	06/2020	Amendments to policy following feedback from stakeholders	LGR	JEV	06/2020
5	07/2020	Amendments to policy following feedback from stakeholders	LGR	JEV	07/2020
6	06/2023	Document reviewed and updated	BHA	JOL	06/2023

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Term/Acronym	Definition/Expansion
AtoN	Aids to Navigation
CEO	Chief Executive Officer
Code	NZ Port and Harbour Marine Safety Code
CM	MDC's content management system
Designated Person	The key role in the effective implementation of a safety Management System, takes responsibility for verification and monitoring of all safety and pollution prevention activities
Duty Holder	Person upon whom a duty is imposed by the PHMSC. This can include responsibility for the maintenance of the overall standard and quality of the maritime safety, ensuring personnel are competent to carry out the range of work required of them.
ERP	Emergency Response Plan
Guidelines	Documents supporting the NZ Port and Harbour Marine Safety Code
Nautical & Coastal Team	The Harbourmaster and team
Harbourmaster	Person appointed by the MDC under the Maritime Transport Act to manage maritime safety in their harbour
HSE	Health, Safety and Environment
HSWA	Health and Safety at Work Act 2016
IMO	International Maritime Organisation
KPI	Key Performance Indicator
Marlborough Harbour	Area defined in Section 4 of this SMS
MDC	Marlborough District Council
MFA	Marine Farming Association
MNZ	Maritime New Zealand
MOU	Memorandum of Understanding
MTA	Maritime Transport Act
MTOP	Maritime Transport Operators Plan
PEC	Pilot Exempt Certificate
PHMSC	Port and Harbour Marine Safety Code
PMNZ	Port Marlborough New Zealand
Policy	Statement of overall intentions and directions
SMS	Safety Management System

Term/Acronym	Definition/Expansion
SOLAS	International Convention for the Safety of Life at Sea
SOP	Standard Operating Procedures
Stakeholder	Person or organisation that can affect, be affected by, or perceive themselves to be affected by a decision or activity

Overview

Purpose

The New Zealand Port and Harbour Marine Safety Code (PHMSC) provides guidance to port operators and councils on recognised good practices required to safely manage marine activities in our ports and harbours. This section provides a brief summary of each of the main components of the Marlborough Harbour Safety Management System (SMS).

Compliance

The following legislation was considered in preparing the SMS:

- Maritime Transport Act (MTA),
- Maritime New Zealand's (MNZ) Maritime and Marine Protection Rules,
- Health and Safety at Work Act,
- Local Government Act and
- Port Companies Act.

Commitment Statement

Under the Maritime Transport Act (MTA) 1994, the Marlborough District Council (MDC) takes the role of Harbour Authority for the Marlborough Harbour and has committed to:

- properly monitoring and managing maritime risk in the region to ensure the ongoing provision of a safe and navigable waterway for all harbour users,

- operating in a manner consistent with the requirements of the PHMSC,
- acknowledging the critical role of Port Marlborough toward ensuring maritime safety in the region,
- ensuring that a positive, meaningful and open dialogue is continuously maintained between MDC and Port Marlborough in relation to all matters of maritime safety and
- Proactively seeking to progress the standards of good practice for safe maritime operations locally, nationally and globally.

Co-operation

MDC is committed to open consultation with all those organisations that hold a stake in navigation safety in the Marlborough Harbour. The following stakeholder groups have been identified:

- Port Marlborough (Port Operator),
- Interislander and Bluebridge (Ferry operators),
- Recreational harbour users,
- Aquaculture,
- Community,
- Iwi,
- Commercial vessels,
- Government and support agencies.

These user groups align with the user groups defined in the Harbour Safety Plan and Incident Management System.

Conflicts of Interest

MDC has a detailed Conflict of Interest Policy (contained in CM). This policy provides clear direction on how potential risk arising from conflicts of interest involving MDC staff are managed. This Policy provides clear direction on how potential risk arising from conflicts of interest involving MDC staff are managed.

If a potential conflict of interest related to maritime safety in Marlborough Harbour does involve MDC staff, the following key principles should be followed:

- each Marlborough Harbour stakeholder shall, in the first instance, follow their business ethics policies with regards to managing potential conflicts of interest,
- should a potential conflict of interest continue to exist that creates a threat to maritime safety in the harbour, a stakeholder may report the potential conflict of interest to the MDC Harbourmaster who may act as the arbiter,
- should the Harbourmaster not resolve the potential conflict of interest to the satisfaction of all involved stakeholders, the issue shall be presented to Maritime New Zealand (MNZ) for comment and resolution,
- should MNZ fail to achieve satisfactory resolution, remedy shall be sought from an independent arbiter and
- should the independent arbitrator be unsuccessful, resolution ultimately rests with the courts.

Components

This section provides a high-level summary of the documents that make up the Marlborough Harbour SMS.

Code Application Assessment

The PHMSC Application Assessment determined where the Code and this SMS is applied. The assessment concluded that the SMS would apply throughout the limits of the Marlborough Harbour, as shown in pages 10 and 11. A precise description of the harbour limits is provided in the Marlborough Navigation Safety Bylaws.

Harbour Safety Policy

MDC has prepared a harbour safety policy which outlines how the MDC will undertake and regulate marine operations to safeguard the harbour, its users, the public and the environment. The harbour safety policy commits MDC to using the PHMSC and its supporting guidelines as the standard against which the MDC will measure itself and be measured by others.

The Harbour Safety Policy is provided on page 24 in this SMS and is posted on the MDC website.

Additional Policies

Additional policies are developed as necessary to enhance and improve the Safety Management System. Existing policies, contained in the document, cover matters such as: Hydrographic survey, Aids to Navigation (AtoNs), Passage Planning, Wrecks, Derelict Vessels, Abandoned Ships, Works in Harbour and Compliance.

Harbour Risk Assessment

The Harbourmaster uses risk assessment to identify, assess and prioritise marine risks in the Harbour. The manner in which risk assessment is used to manage risk has evolved considerably since 2018 and is explained in more detail in the Harbour Safety Plan. A formal risk assessment processes is undertaken annually and results are captured in the Harbours Operational Risk Register.

Memoranda of Understanding

To facilitate safe shipping in the region the Marlborough Harbourmaster has the following Memorandums of Understanding (MOU) in place:

- Port MOU,
- Picton Harbour Radio SLA and
- Marine Farming Association - Oil Spill Response.

The MOUs are reviewed annually with copies held by each party to the agreements.

Harbour Safety Plan

The Harbour Safety Plan describes how maritime risks are identified and managed by the Harbourmaster. This plan meets the requirements as outlined in the Port and Harbour Safety Code and is reviewed annually. The Harbour Safety Plan focuses on those risks that are the responsibility of the Harbourmaster.

The Harbour Safety Plan specifically describes:

- the vision, mission, purpose and objectives of the Harbourmaster,
- the internal structure of the Harbours Group and reporting relationships within Marlborough District Council,
- how the risk assessment is kept up to date including trigger for review,
- performance indicators and performance monitoring of the Harbourmaster team within the Nautical and Coastal Team,
- the relationship between incident management and risk assessment and
- a schedule of reviews of the Harbour SMS, Navigation Safety Bylaws and Harbourmasters Directions.

The Harbour Safety Plan is subject to annual review.

Harbour Standard Operating Procedures

The Harbourmaster has prepared Standard Operating Procedures (SOP's), including but not limited to, for common harbour activities that require consistent execution, including some of these; Issuing Navigation Warnings, Marine Farm Auditing, PEC Examinations, Responding to AtoN failures, Maritime Event approvals and Fish Farm Tows.

These SOPs and associated forms are controlled documents to ensure that all MDC staff and stakeholders are using current versions of any document. All SOPs are subject to internal review on an annual basis and stored in C.M.

Navigation Safety Bylaws

The Marlborough Navigation Safety Bylaws regulate maritime and navigation safety in Marlborough's navigable waters. The bylaws are reviewed regularly to ensure their currency and are enforced by the Harbourmaster. The Marlborough Navigation Safety Bylaws are available on the MDC website.

Emergency Response Plans

The Harbourmaster has prepared emergency response plans for foreseeable maritime and navigation risks. A program of drills is being developed to ensure that the effectiveness of the emergency response plans is tested and responses are reviewed and continuously improved.

Incident Management

The Nautical & Coastal team maintains an incident management system for recording all reported incidents, accidents and near misses. This system is critical for understanding the risk profile of the harbour as it shows where risk has materialised and provides an opportunity to review the controls and treatments that are in place to manage risk.

The Harbourmaster responds to marine incidents as necessary to ensure the waters of the harbour remain safe and navigable and all such actions are recorded in the incident management system. This information may be shared with other agencies (should an investigation occur) or may be used by MDC for the purpose of regulatory action such as enforcement.

MDC recognises the importance of good incident management and has made a significant investment in building an enhanced digital incident management system. The system assists the Harbourmaster in making an informed and appropriate response whenever an incident occurs.

Harbourmasters Directions

The movement of vessels within the Marlborough Harbour is subject to control and direction by the Harbourmaster. A Direction may set a number of control measures that are applicable across the region or a specific area or operation, to a specific ship or type of ship. Directions primarily pertain to ships of 500 gross tonnes or more but may be applied to any vessel that meets the definition of a ship under the Act. Directions are published on the MDC website and issued in accordance with the Maritime Transport Act 1994.

Maritime Transport Operator Safety Plan

The Harbourmaster operates a fleet of vessels in compliance with a Maritime New Zealand approved Maritime Transport Operator Safety Plan. This plan ensures the safe operation of the Harbourmasters vessels. The full plan is available in the harbourmaster's office.

Staff Training Plans

The staff training plan records all aspects of staff training including certification requirements of the position, certification held, expiration dates, safety inductions and familiarisation with roles and/or equipment, scheduled training, and proposed training and are retained in C.M

1 Delegations

2 The Harbourmaster holds the following delegations.

3

Instrument	Sections	Details (Summary)	Issue Date	Issued By	Expiry Date
Maritime Transport Act Delegation from Director of MNZ	48	Conduct PEC Examinations	30 May 2022	MNZ	31 Aug 27
	60A(2)	Power to direct a vessel to take a pilot			
	200(7)	Power to approve a person to erect, place, alter or remove a navigation aid (AtoNs)			
Maritime Transport Act Sub delegation from MDC C.E	33G(c)	Power to authorise enforcement officer to exercise powers set out in section 33F(l)(c)	08 June 17	MDC CE	Until revoked
	33G(e)	Power to authorise persons to exercise powers set out in section 33F(g), (h) and (i)			
	331(1)(a)(i), (ii) and (iii) and 200(3A)	Power to erect, place and maintain aids to navigation			
		Power to remove obstructions and impediments to navigation			
		Power to remove obstructions and impediments to navigation			
		Power to execute and maintain works likely to improve navigation			
Note: the approval of the Director may be required under section 200(7)					

Instrument	Sections	Details (Summary)	Issue Date	Issued By	Expiry Date
Maritime Transport Act Sub delegation from MDC C.E	331(1)(b)(i), (ii) and (iii)	Power to erect and maintain quays, docks, piers, wharves, jetties and launching ramps	08 June 17	MDC CE	Until Revoked
		Power to carry out other works for improving, protecting, managing or utilising the waters within Marlborough			
		Power to carry out works to prevent the encroachment of waters within Marlborough			
	33J(1) to (4)	Power to take steps to remove and deal with any wreck			
	33L(1) to (13)	Power to remove, store, sell or otherwise dispose of abandoned ships in accordance with procedure in section 33L			
	200A(1)(a)	Power to apply to Minister to declare a major maritime event or occasion			
	200A(2)(e)	If authorised under a notice given under section 200A, determine which ships may enter a designated area and to specify and vary conditions for the day-to-day management and conduct of activities within the designated area			
	200A(6)	Power to recover costs and expenses incurred in relation to applications made on behalf of event organisers			

Instrument	Sections	Details (Summary)	Issue Date	Issued By	Expiry Date
Maritime Transport Act Sub delegation from MDC C.E	200B(6)(d)	Power to authorise persons to act as enforcement officers for the purpose of a major maritime event or occasion	08 June 17	MDC CE	Until Revoked
	318 and 320	Power to appoint a regional on-scene commander			
		Power to appoint a person or persons to act on the vacancy or in the absence of the regional on-scene commander			
		Power to make the appointment on such terms and conditions as appropriate			
		Note: approval of the Director may be required under section 318(5)			
	344, 345, 366, 385B, 385C, 385G and 385J	Power to recover costs of cleaning up marine pollution			
	Bylaw 2.4-2(b)	Power to recover costs of moving a vessel that is a hazard			
	Bylaw 3.6	Power to declare a specific area of the harbour to be a high-speed access land to and from the shore			
	Bylaw 2.12-4	Power to recover costs of retrieval of logs lost overboard			

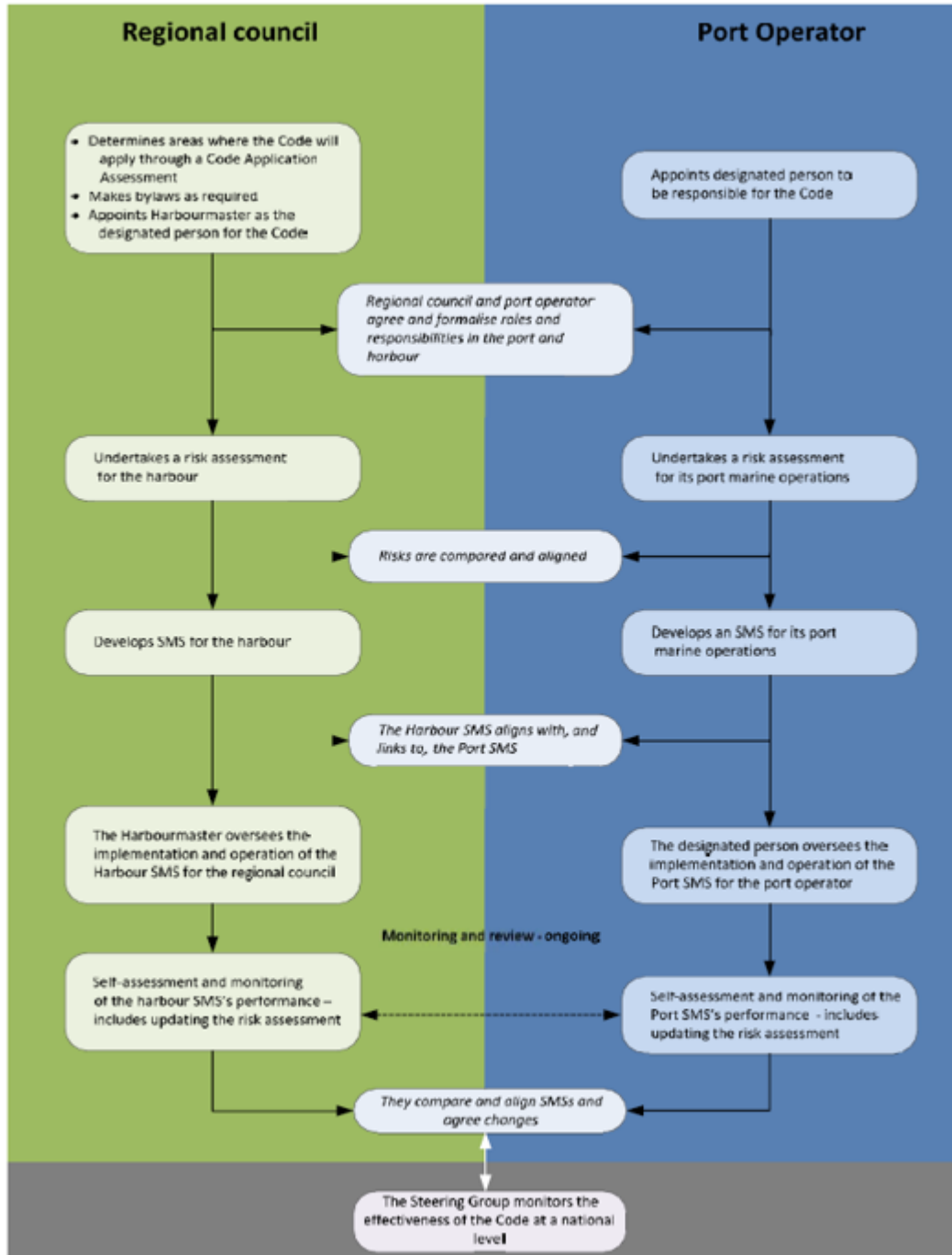
Instrument	Sections	Details (Summary)	Issue Date	Issued By	Expiry Date
Maritime Transport Act Sub delegation from MDC C.E	Bylaw 3.9	Power to reserve any specified area for a specific purpose and power to impose conditions and period of time area is reserved	08 June 17	MDC CE	Until Revoked
	Bylaw 3.10-4	Power to recover costs of application for reserved area for special events			
	Bylaw 4.3-10	Power to specify standards and requirements for automatic location communicators			
	Bylaw 6.2	Power to suspend provisions of the bylaw or exempt an activity from the provisions of the bylaw			

1

Roles and Responsibilities

The management of navigation and maritime safety is shared amongst multiple stakeholders. In accordance with PHMSC, the Port and Harbour Marine Safety Code, MDC (as the Harbour Authority) and Port Marlborough (as the Port Operator) have each developed their own safety management systems. This shared relationship is illustrated below in the Port and Harbour Marine Safety Code.

Shared Responsibilities



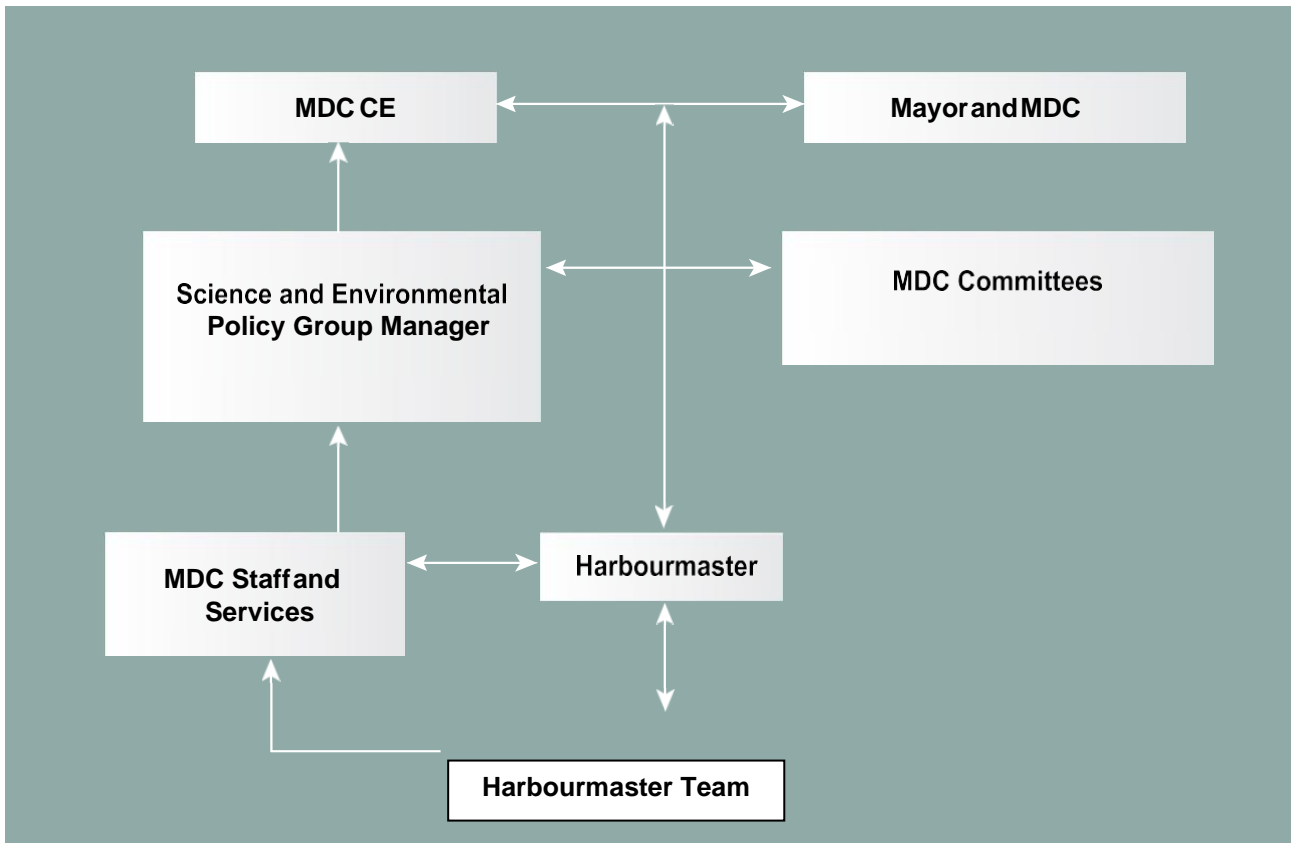
Source: Port and Harbour Marine

Harbour Authority

MDC has a responsibility to ensure maritime safety within Marlborough, and may regulate ports, harbours, waters and maritime-related activities in this region for this purpose. To fulfill the duty of care that this responsibility implies, MDC aims to create an effective regulatory regime that facilitates all harbour users to properly manage both the risks they face and the risks they create in the harbour. However, in fulfilling this role MDC does not assume direct responsibility for managing the maritime risk of any harbour user. Every person or organisation who undertakes maritime activity within the harbour is primarily responsible for managing their own risk.

Harbours Authority Structure

There is a defined reporting structure in MDC. The Harbourmaster reports to the Environment Science and Policy Group Manager and directly updates MDC's Environment, Audit and Risk Committees on matters relating to maritime safety. However, whenever necessary, the Harbourmaster has a direct line of contact with the Chief Executive.



Port Operator

Port operators have a duty to operate, maintain and service their ports so there is no unnecessary risk or danger to people, the environment or property on ships or at sea. Port Marlborough is a port company and as such has a statutory objective in the Port Companies Act 1988 to operate as successful businesses.

Key Roles

The following table provides a brief summary of the primary duties for the key Marlborough maritime safety stakeholders:

Roles and Responsibilities

Role	Responsibility
MDC	<p>Has overarching responsibility for:</p> <ul style="list-style-type: none"> • monitoring the level of maritime risk in Marlborough and reviewing risk management strategies, • establishing the structure and operating capability of the Harbourmaster Group and • approval and allocation of resources for the Harbourmaster Group. <p>In respect of maritime safety:</p> <ul style="list-style-type: none"> • discharges the duties and exercises the powers given to it, both directly and by delegation in accordance with the Maritime Transport Act 1994, • discharges the function of “Duty Holder” as defined of the Code by ensuring compliance with the Code and the management of maritime safety, • approves the strategy, policies, plans and budgets of the Harbourmaster Group, together with its strategic objectives, • ensures the Harbourmaster function is adequately funded to meet its objectives as stated in the MDC’s Long-Term Plan, this SMS and the Harbour Safety Plan and • reviews the performance of the Harbourmaster Group against its strategic and operational objectives, plans and budgets.
MDC Chief Executive	<p>Has responsibility for maritime safety in Marlborough including the effective allocation of resources supporting maritime safety in Marlborough Harbour. This includes the review and final approval of the Harbour SMS.</p>

Role	Responsibility
Harbourmaster	<p>The Harbourmaster is appointed by MDC to discharge the statutory role of Harbourmaster in accordance with the Maritime Transport Act 1994 and PHMSC. The Harbourmaster is the <u>designated person</u> responsible for the Harbour SMS. Specifically, the role of the Harbourmaster is to:</p> <ul style="list-style-type: none"> • develop, implement, and maintain an effective and appropriate Harbour SMS, • ensure the Harbour SMS complies with applicable legislation, regulation, codes and guidelines, • define the policies, plans and budgets of the Harbourmaster Group together with its strategic objectives, • provide the MDC, via MDC Committees, with regular reports on the performance of the Harbourmaster Group in meeting its objectives, • inform the MDC and Executive on matters of Navigation Safety or Maritime Safety as relevant to the region, • provide the MDC with independent professional advice regarding matters of maritime and navigation safety, • work with Port Marlborough to ensure compliance with the Code and effective management of maritime and navigation safety risk as pertains to Port Operations, Pilotage and Towing, • exercise regulatory powers as required to ensure maritime safety and • encourage the effective management maritime risk by all harbour users.

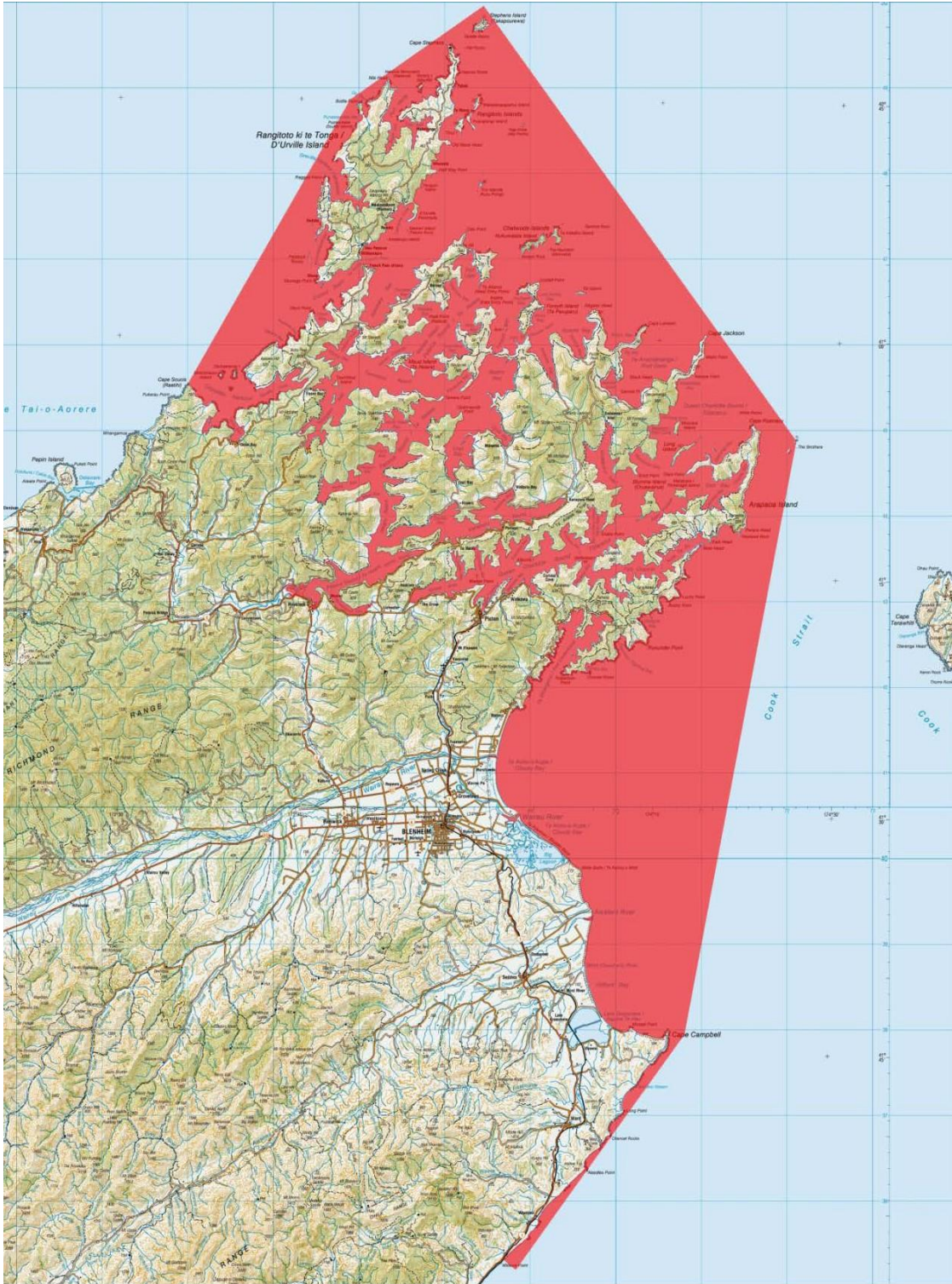
Role	Responsibility
Harbour's Group	<p>The Harbour's Nautical and Coastal Team MDC personnel who support the Harbourmaster in meeting his duties.</p> <p>The Harbour's Group includes the Deputy Harbourmaster, Harbour Protection Officer, Marine Officers, Administrator and includes Honorary Enforcement Officers such as harbour patrol skippers. Their collective responsibilities include:</p> <ul style="list-style-type: none"> • implement the Harbour Safety Plan, • maritime risk management including risk assessment and implementation of risk controls and treatment, • maintaining situational awareness as to the maritime risk in the harbour, • ongoing engagement with harbour user groups, • encouraging compliance with the Maritime Transport Act and Navigation Safety Bylaws through education and enforcement activity and campaigns, • issuing and enforcing Harbourmaster Directions, • incident management including recording and responding to incidents, accidents and near misses and investigations, • maintaining Aids to Navigation in the Harbour, • maintaining Harbourmaster Group assets, • maintaining the Maritime Operator Safety Systems Certificate, • ensuring the provision of harbour information as necessary to support safe navigation. Such information may include documentation, weather monitoring equipment, AIS and radio networks, • issuing navigation warnings as required and • maintaining and procuring sufficient hydrographic data to support safe navigation.
Pilot Manager	<p>Is responsible for:</p> <ul style="list-style-type: none"> • the safe and efficient pilotage of ships in Marlborough's pilotage areas during all phases of pilotage, • maintaining their qualifications and pilot documents in accordance with the Pilot Training and Proficiency Plan and • Identifying and reporting to the Harbourmaster any incidents, near misses, issues with AtoNs or any other matters relevant to maritime safety.

Role	Responsibility
Port Marlborough Limited	<p>Port Marlborough Limited operates the commercial Port terminals within the Marlborough Sounds Harbour. The Port is committed to meeting the requirements of the Code and:</p> <ul style="list-style-type: none"> • implements and maintains an effective and appropriate Port SMS including a port risk assessment, • provides safe pilotage and towing services in the region, • provides a 24/7 local port service radio station to ensure safe navigation of ships to and from the port and facilitate harbour safety and • ensures effective management of maritime and navigation safety risk in the Marlborough Harbour as pertains to the activity of the port and its customers.
Port Manager	<p>Is responsible for:</p> <ul style="list-style-type: none"> • port wharves, assets, equipment and support facilities, • maintaining the Port SMS including the port risk assessment, • acts as PHMSC Designated Person and • security at the Port including PFSO role and administration of security assessments and plans. <p>Note: as the Port's Designated Person, the Port Manager has direct access to the PMNZ Chief Executive and, ultimately, the PMNZ Board for any significant issue related to health, safety, environment and operational effectiveness.</p>
Ship Operators	Are responsible for the safe and efficient operation and maintenance of their ships.
Commercial Operators	Are responsible for the safe and efficient operation and maintenance of their ships.
Masters:	<p>Are responsible for:</p> <ul style="list-style-type: none"> • commanding his/her ship including overarching responsibility for the safety of the ship, • ensuring compliance to Marlborough Navigation Safety Bylaws and Harbourmaster Directions and • appraising, planning, executing and monitoring the navigation of their vessel.
Recreational Users	Are responsible for the safe and efficient operation and maintenance of their ships


Harbour Limits

The limits of the Marlborough Harbour are shown below. A precise description is provided in the Marlborough Navigation Safety Bylaws.

Marlborough Harbour Limits



Legend

 Marlborough Harbour Limits



Code Application Assessment

The Port and Harbour Safety Code is applied to the full extent of the Marlborough Harbour as shipping activity and commercial transport operations occur throughout the region. The decision to apply the Code to the entirety of the Marlborough Harbour can be understood by consideration of the table below. The table divides the Harbour into eight areas and lists the associated shipping activity known to occur in each area.

Marlborough Seven Maritime Areas

Area	Activity and Risk Ownership
Queen Charlotte Sound	Bulk Carriers, Log Ships, Cruise Ships, Fishing Vessels, Tall Ships, Superyachts, Marine Farming Vessels, Tug and Barge Operations, Small Commercial, Recreational Activity.
Tory Channel	Ferries, Fishing Vessels, Tall Ships, Superyachts, Marine Farming Vessels, Tug and Barge Operations, Small Commercial, Recreational Activity.
Pelorus Sound	Fishing Vessels, Marine Farming Vessels, Tug and Barge Operations, Small Commercial, Recreational Activity.
Admiralty Bay and D'Urville Island	Oil Rigs, Heavy Lift Vessels, Offshore Support Vessels, Fishing Vessels, Superyachts, Marine Farming Vessels, Tug and Barge Operations, Small Commercial, Recreational Activity.
Port Underwood	Offshore Support Vessels, Superyachts, Tall Ships, Marine Farming Vessels, Tug and Barge Operations, Small Commercial, Recreational Activity.
Croiselles Harbour	Marine Farming Vessels, Tug and Barge Operations, Small Commercial, Recreational Activity.
Cloudy Bay	Container Ships, Tankers, Bulk Carriers, Log Ships, Cruise Ships, Fishing Vessels, Tall Ships, Superyachts, Marine Farming Vessels, Tug and Barge Operations, Small Commercial, Recreational Activity.
Outer Sounds at Harbour Limits	The harbour limits lie in close proximity to major international shipping routes, the Taranaki oil fields and commercial fishing grounds. As such vessel of all sizes and types can be expected to pass close to or enter into Marlborough Harbour waters at various times.

Communications

Communication Method	Description
Navigation Safety Meetings	<p>Monthly meeting between MDC and PMNZ usually involving the harbourmaster, deputy harbourmaster, marine manager and pilots however, may be open to any harbour user group or stakeholder to report:</p> <ul style="list-style-type: none"> • update on Marlborough's navigation safety risk management, • progress on risk control actions, • effectiveness of existing risk controls, • audits and inspections and • incidents, near misses or maritime safety concerns.
MDC Committee	<p>Six weekly cycle - The harbourmaster reports to the committee as required on items such as:</p> <ul style="list-style-type: none"> • navigation safety risk management, • progress on risk control actions, • effectiveness of existing risk controls and • audits and inspections.
Harbourmaster and Marine Farming Association	<p>There are quarterly meetings between the Harbour's Group and Marine Farming representatives. The agenda includes the following:</p> <ul style="list-style-type: none"> • updates on navigation safety risk management adjacent to aquaculture, • progress on risk control actions, • effectiveness of existing risk controls and • audits and inspections.
Harbourmaster and Ferry Companies	<p>There are annual meetings between MDC and ferry operators. The agenda includes items such as:</p> <ul style="list-style-type: none"> • pilot and PEC matters, • pilotage plans, • port facilities, • progress on risk control actions, • effectiveness of existing risk controls and • audits and inspections.
Surveys	<p>Include: residents satisfaction survey and harbour user group survey.</p>
Navigation warnings	<p>Promulgated by VHF radio, website and cruise guide app to provide important and/or critical navigation safety information for harbour users.</p>
Signage / Notice Boards	<p>Used to display a range of information, warnings or instructions.</p>

Monitoring

Overview – This section discusses the different mechanisms MDC employs to assure it is continuously improving delivery of maritime safety in Marlborough Harbour.

Stakeholder Engagement

Stakeholder engagement is ongoing, rather than one-off activity.

Harbourmaster's Review

The Harbourmaster shall continuously review the effectiveness of the SMS, including SOPs Harbour Safety Plan, MTOP and other supporting documents and systems. Such reviews should include other members of the Harbours Group. The reviews shall consider:

- stakeholder feedback, including both positive and negative stakeholder feedback,
- drills and exercises reports,
- audit report(s) and
- PHSC self-assessments and panel findings.

Drills and Exercises

The Harbourmaster intends to establish an annual program of drills and exercises to test the effectiveness of the emergency response plan. The scenario should include a debrief of all involved. The debrief should seek to identify what went well and opportunities for improvement.

Self-Assessment

The Harbourmaster shall ensure an annual self-assessment of the Harbour SMS is completed and is submitted to the PHSC working group. Wherever possible, the self-assessment should be completed together with Port Marlborough's assessment. Copies of completed self-assessments are contained in CM.

PHMSC Panel Review

The PHMSC working group convenes an external panel to check consistency of Port and Harbours SMS with the Code approximately every five years. A copy of the previous Marlborough Review is available in CM.

Performance Measurement

The Harbourmaster has defined key performance indicators (KPI's) to assist with monitoring the effectiveness of the Harbour SMS. The KPIs are reviewed annually and results are reported to MDC as part of the Annual Plan and Long-Term Plan processes.

The report includes an activity statement outlining a summary of emerging issues and expected changes for the year ahead. This report is informed by the Harbours work plans as developed through the formal risk assessment process.

If the Harbourmaster has any concerns as to adequacy of resources available to meet MDC's maritime safety management obligations, these concerns will be recorded in the annual activity report.

Harbour Safety Policy

The MDC has a responsibility to facilitate maritime safety within the waters of the region. The area of jurisdiction, commonly referred to as 'Harbour Limits', is defined within the Navigation Bylaws.

The MDC is committed to the following:

- using the Code and its supporting guidelines as a standard against which the MDC will measure itself and be measured by others,
- ensuring that the relevant assets of the harbour are managed safely,
- enforcing bylaws and Harbourmaster Directions appropriately,
- ensuring that staff are properly trained for emergencies and contingencies,
- identifying measures to address conflicts of interest and
- adequately resource the management of maritime safety in the harbour.

To this end, it is the MDC's policy to:

- appoint a Harbourmaster and provide resources to ensure a 24/7 response capability,
- establish, fund and maintain an effective Harbour Safety Management System that is consistent with requirements and guidelines of the Port and Harbour Safety Code,
- conduct regular risk assessments to ensure the risk profile of the harbour is properly understood and that all identified risks are being controlled as far as is reasonably practical,
- regularly review navigation Bylaws and Harbourmaster Directions to ensure these instruments are fit for purpose and align with the requirements of statute,
- routinely engage with key stakeholders including Maritime New Zealand, Port

Marlborough New Zealand, KiwiRail and Strait New Zealand to develop and maintain a shared understanding of maritime risks in relation to shipping in the harbour,

- encourage compliance among all harbour users with Navigation Bylaws, Harbourmaster Directions, the Maritime Transport Act 1994 and the associated maritime rules - a specific emphasis is placed on Maritime Rules 90 and 91,
- implement such hydrographic surveys as are necessary for safe and efficient navigation within harbour limits to provide harbour users with up-to-date, timely and accurate hydrographic information,
- remove sunken, derelict or abandoned ships and other obstructions that are (or may become) an impediment to maritime safety,
- ensure the provision of aids to navigation within harbour limits as necessary to ensure safe navigation through the region's waters,
- provide harbour users with relevant information to support maritime safety in the region,
- provide opportunity for all harbour users to engage with the Harbourmaster and contribute to understanding risk in the harbour,
- provide professional advice to MDC as required regarding any form of development affecting navigational safety within Marlborough Sounds,
- develop and maintain an Incident Management Systems to record all maritime safety incidents that occur and the response actions of the Harbourmaster and
- maintain a Harbour Safety Plan that defines, in detail, the actions and activities the Harbourmaster undertakes to manage risk in the harbour.

Compliance Strategy

The Harbourmaster encourages harbour users to comply with all Maritime Rules, Navigation Bylaws and Harbourmaster Directions through the combined regulatory efforts of education and enforcement.

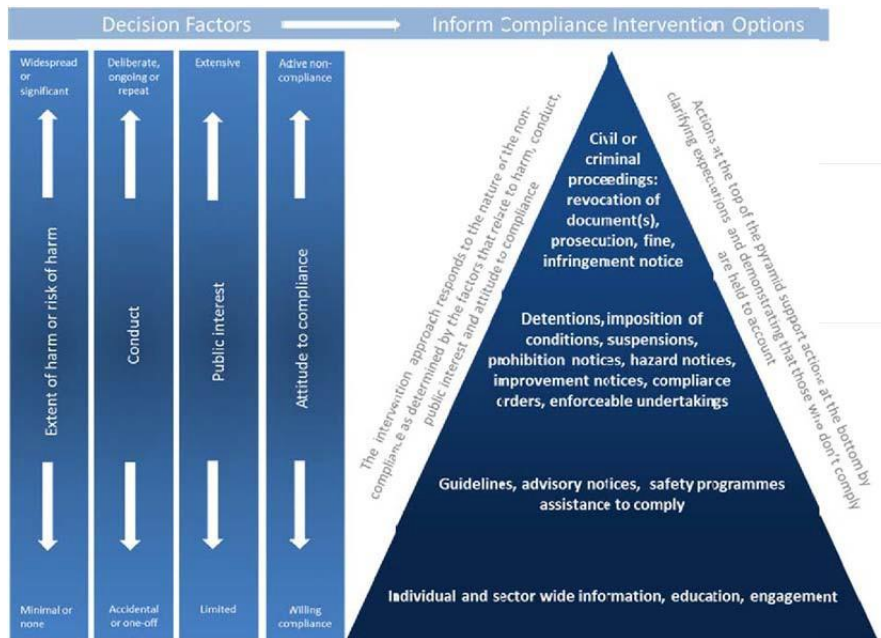
Educational programs and related initiatives to promote safe navigation practices and encourage compliance are recorded in the Harbour Safety Plan. Enforcement Action is taken by the Harbourmaster as required.

Enforcement action may be necessary, in any circumstance, in which a Rule, Bylaw or Direction has been breached. When a breach of a regulation is detected, the Harbourmaster commits to:

- immediately seek to stop the activity in breach of the rule (so far as is relevant and practicable),
- investigate and collect evidence of the breach and
- issue a notice of breach (where practicable).

If a notice of breach is issued, the Harbourmaster or enforcement officer will:

- review the evidence in conjunction with the Harbours Nautical and Coastal team,
- assess the risk (or potential risk) that arose as a result of the breach and
- determine the appropriate compliance intervention.



Compliance intervention options range from:

- an approach based on information and education to support and encourage compliance through to;
- an approach (usually through investigations) that may lead to enforcement interventions such as warnings (written or verbal), infringement notices, Harbourmasters Direction, detention/imposition of a vessel or prosecution.

Under most circumstances in the Marlborough Harbour, the choices will be as follows;

- take no further action,
- inform/educate only,
- provide a warning, either verbally or in writing to the alleged offender,
- issue an infringement or
- seek a prosecution.

In determining the appropriate compliance intervention, the Harbourmaster encourages an approach that aligns with Maritime NZ and considers the following key points:

- the approach chosen should be the one that best deals with the matters being addresses - education need not necessarily occur prior to enforcement,
- more than one action might be appropriate- for example, to prosecute an individual operator and undertake an education campaign in the relevant sector and
- in all cases, lessons learned should be identified to support improvement in safety and environmental protection.

The compliance triangle shown on the previous page provides a useful reference. Further detail can be found in the Maritime NZ compliance Guidelines.

<https://www.maritimenz.govt.nz/about/what-we-do/compliance/documents/compliance-intervention-Guidelines.pdf>

Aids to Navigation (AtoNs) Policy

The MDC owns, operates and maintains in excess of one hundred and fifty AtoNs throughout the Marlborough Sounds, all of which serve to support safe navigation in the harbour. Additional AtoNs have also been established in the harbour by Maritime New Zealand, Port Marlborough and marine farmers. Temporary AtoNs are occasionally established for scientific research purposes or other projects such as Works in the Harbour.

In managing the MDC's AtoNs the Harbourmaster commits to:

- operate in accordance with the Maritime New Zealand Aids to Navigation Guidelines,
- establish, alter or remove AtoNs in accordance with the requirements of section 200(7) of the MTA,
- categorise AtoNs in accordance with the standards set out by IALA,
- respond to outages and failures in a timeframe based on IALA standards, with Category 1 AtoNs requiring an immediate response wherever possible,
- respond to outages and failures in a manner consistent with the Harbours Operational Health and Safety Plan,
- make reasonable effort to inform harbour users when an AtoN has failed or is unreliable. This is achieved by promulgation of navigation warnings through Picton Harbour Radio and Marlborough Marine Radio. Depending on

circumstance, the MDC website, Cruise guide and Facebook page may also be used to ensure widespread awareness,

- maintain an up-to-date AtoN register recording relevant details about each AtoN including all failures, a history of repairs and a work programme,
- routinely visit each AtoN for the purposes of preventative maintenance. All reasonable effort will be made to visit each AtoN site at least once every 12 months,
- wherever possible and as budget allows, introduce smart technology such as cellular and IoT connectivity to enable remote and timely monitoring of AtoNs and
- regularly review and enhance the adequacy of the network as required.

AtoNs that are owned and operated by other agencies are not the direct responsibility of the Harbourmaster however, the Harbourmaster commits to:

- immediately advise Maritime New Zealand directly if any of their AtoNs have failed or are reported as unreliable,
- assist Port Marlborough to manage its AtoNs as per the MDC PMNZ MOU,
- provide navigation safety guidance to any person or organisation seeking to install and AtoN in the Marlborough Harbour and
- Routinely audit the AtoNs associated with marine farming operations to ensure compliance with approved AtoN lighting plans.

Passage Planning Policy

Safe conduct of a ship through pilotage waters depends on high standards of passage planning.

A high standard of passage planning requires every part of a ship's voyage passage to be planned and for all members of the bridge team to have a common understanding of the plan. This means that every member of a bridge team, including the pilot, must operate according to the same passage plan.

To encourage the necessary standard of passage planning on ships operating in the Marlborough Harbour, the Harbourmaster is committed to:

- ensuring compliance with the Marlborough District Council Navigation Bylaw which lays down requirements for passage planning by Pilots and for ships operating under Pilotage Exemption. Pilots and/or ships operating under a Pilot Exemption Certificate must lodge with the Harbourmaster a copy of the passage plan they intend to follow at least 24 hours prior to undertaking a voyage,
- engage with Pilots and ships operating under Pilot Exemption to encourage passage planning and related Bridge Resource Management practices that meet or exceed recognised international standards of good practice,
- ensuring compliance with the Harbourmasters Direction, specifying that all ships must have the agreed passage plan displayed on the vessels ECDIS,
- encourage Pilots and ships, operating under Pilot Exemption Certificate, to develop consistency in their passage planning by following the good practice guidance for port passage planning available from the New Zealand Maritime Pilots Association and
- making basic passage plans, as pertain to ships, publicly available on the MDC website in order to help ensure all harbour users have the opportunity to develop an awareness of the routes ships will follow when navigating in the Marlborough Harbour.

Wrecks, Derelict Vessels and Abandoned Ships Policy

Wrecks and Derelict Vessels

The statutory power for the removal of wrecks is set out in section 33J of the Maritime Transport Act (1994) where such a wreck presents a hazard to navigation.

Where a wreck or derelict vessel has been identified as presenting a hazard to navigation, the Harbourmaster shall:

- make a reasonable effort to identify and find the owner or agent of the wreck or derelict vessel,
- in writing, require the owner or agent of the wreck (or derelict vessel) to remove the vessel from the waters of the region within a specified timeframe and in a satisfactory manner and
- ensure that if a derelict vessel is to be returned to the water following repairs, it no longer presents a hazard to navigation.

Where the owner or agent cannot be found or where the owner or agent has failed to remove all or part of the wreck within the specified timeframe, the Harbourmaster shall:

- take possession of the wreck,
- remove, destroy or dispose of the wreck and

- recover actual costs incurred in the removal of the wreck as a debt to the Harbour Authority.

Abandoned Ships

Where any vessel within the waters of the region appears to be abandoned, the Harbourmaster shall secure, remove, store or dispose of the vessel if:

- the Harbourmaster has advised the NZ Police of his intentions,
- reasonable efforts have been made to identify and locate the owner of the vessel,
- a notice, advising that the vessel may be removed and sold or otherwise disposed of by the Harbourmaster, has been affixed to the vessel in a conspicuous place for more than 28 days,
- the Harbourmaster has publicly notified the intention to sell or otherwise dispose of the vessel and
- the Harbourmaster has made a reasonable effort to notify any person or party known to have a security interest in the vessel of the intent to sell or dispose of the vessel.

The Harbourmaster will seek to recover all costs incurred in the removing, storing and selling of the vessel.

Works in the Harbour Policy

With the exception of emergency works, all Works in the Harbour are undertaken in accordance with the Marlborough Environment Plan and overarching legislation such as the Resource Management Act.

The Harbourmaster is committed to ensuring that whenever Works in the Harbour are undertaken, matters of maritime safety are adequately managed throughout the duration of the work.

In general, the Harbourmaster's expectation is that the persons and organisation's commissioning and conducting the work will be responsible for identifying and managing the maritime risk associated with the project.

For most projects, the Harbourmaster will require a navigation safety plan to be developed which will identify at a minimum of:

- all maritime risks,
- risk treatments and controls including the need for navigation warnings,
- key personnel and their roles,
- means and processes for effective communication across organisations and agencies and
- emergency response plans.

Navigation safety plans must be approved by the Harbourmaster

The Harbourmaster will issue navigation warnings in relation to Works in Harbour as necessary to ensure maritime safety.

The Harbourmaster will make all reasonable effort to ensure that persons and organisation's undertaking the Works in Harbour comply with the navigation safety plan and all other relevant Rules, Bylaws and Harbourmaster Directions.