

Harbourmaster's Direction Nelson

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Foreword

Nelson City 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 Nelson Regional Waters and the Code application area (wider Tasman Bay) is subject to control and direction by the respective Nelson and Tasman Harbourmasters. This Direction sets 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 Nelson to ensure maritime safety. However, the Harbourmaster acknowledges that 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
- by 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 Nelson City Council Navigation By law 218 of 2019 (the Bylaw);

2. Application

2.1 This direction applies to all vessels operating in Nelson Regional Waters.

3. Variation

This Direction applies to all vessels operating in the Nelson Regional waters and The Code application area.

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:

AIS	Automatic Identification System
Bylaw	means the Nelson City Council Navigational Safety Bylaw 218 (2019)
Exclusion zone	has the same meaning as in Section 2.3 of the Bylaw. This is the Moving exclusion zone (500m ahead, 100m astern and 100m each side of the ship) and Total Exclusion Zone as per Bylaw Map 3.
Nelson Harbour	means the seaward boundary of the Harbour limits as described by the Nelson City Council Navigational Safety Bylaw 218 (Map 2).
Nelson Regional Waters	means the seaward boundary of the Nelson Regional Waters as described by the Nelson City Council Navigational Safety Bylaw 218 (Map 1).
Prolonged Blast	means a blast of a vessels horn or similar of four to six seconds duration.
Pilot	has the same meaning as Section 2 of the Maritime Transport Act 1994.
Vessel	means the same as “ship” as defined in Section 2 of the Act.
VHF	Very High Frequency.

6. General Requirements

6.1 Air Emission Purification Systems (Scrubbers)

- 6.1.1 Any vessel operating in the Nelson Regional Waters 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.
- 6.1.2 Any vessel intending to navigate within the Nelson Harbour that must change to a low sulphur fuel in order to comply with MARPOL Annex VI and must ensure that the changeover occurs at least four (4) hours prior to entry into the Harbour limits.

6.2 Pre-Arrival

- 6.2.1 Every vessel of 350 gross tonnes or more intending to enter the Nelson Regional Waters must provide to the Harbourmaster a completed Harbourmaster's Pre-Arrival Form signed by the Master of the vessel.
- 6.2.2 The pre-arrival form should be submitted to the Harbourmaster at least 12 hours prior to entering the Nelson Regional Waters.

6.3 AIS

- 6.3.1 Every vessel of 350 gross tonnes, if equipped with AIS (Automatic Identification System), must ensure that the AIS is always operational when the vessel is underway, making way or at anchor within the Nelson Regional Waters.
- 6.3.2 The Master of every vessel required to operate AIS by 6.3.1 which enters Nelson Pilotage waters (with either PNL Pilot or Pilot Exempt Master) shall ensure that static and dynamic information is set up and operating as below (at a minimum):

Static data: MMSI, Callsign, Name, Type of ship, Dimensions.

Dynamic data: SOG, COG, True Heading.

- 6.3.3 Any vessel unable to comply with the requirements of 6.3.1 and 6.3.2 must notify the Harbourmaster immediately.

6.4 Anchoring

- 6.4.1 Any vessel of 500 gross tonnes or more seeking to anchor in Nelson waters must only anchor in anchorage areas assigned by Nelson Harbourmaster.

There are four assigned anchorage sites in Nelson Regional Waters:

#2: 41°09'.58 S 173°16'.30 E

#4: 41°07'.88 S 173°17'.35 E

#6: 41°06'.22 S 173°18'.48 E

Small Ship: 41°10'.50 S 173°15'.32 E

These anchorages are outside of pilotage waters and will be assigned upon receipt of pre arrival information and request to anchor.

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

- 6.4.2 Any request to the Harbourmaster for permission to anchor outside an assigned 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.

- 6.4.3 Every vessel that anchors in an assigned anchorage in the Nelson Regional Waters must advise Nelson Harbour Radio on VHF 12;

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

6.5 Zodiac and Tender Operations from Ships

6.5.1 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 Nelson 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 this activity.

6.6 Diving

6.6.1 No person may undertake diving operations in the vicinity of a port facility or marina within the Nelson Harbour unless;

- a) Notification of the intention to undertake the diving work has been provided to the port facility operator (or marina manager) 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 (or marina manager) and the Harbourmaster.

6.7 Engine Immobilisation

6.7.1 No vessel over 500 gross tonnes or more may immobilise its main engine within the Nelson Waters without the permission of the Harbourmaster and where applicable the port facility operator.

6.8 Lifeboat Lowering

6.8.1 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) Nelson Harbour Radio are advised at the commencement and completion of the operation.

6.9 Oil Transfers (including tanker discharge and bunker operations)

- 6.9.1 Oil transfer operations must be carried out safely.
- 6.9.2 A person conducting oil transfer operations to or from a vessel must –
 - a) notify the Harbourmaster and berth owner/operator at least 24 hours before the commencement of the operations; and
 - b) comply with relevant Maritime Rules and Plans.
- 6.9.3 The person must not commence or must stop bunkering operations if required by the Harbourmaster due to safety concerns.
- 6.9.4 The person in 6.9.3 must obtain an approval from the Harbourmaster before commencing or recommencing operations.

7. Pilotage Operations

7.1 Signals to indicate vessel movement and exclusion zone in operation (Ships over 3000GT)

- 7.1.2 Pilots to broadcast to all ships on VHF Ch12 (as per Bylaw) **and** VHF Ch16 prior to leaving the berth and when passing the Fairway beacon (10 minutes to the entrance).
- 7.1.2 To alert other Harbour users of an imminent shipping movement, the pilot may (at their discretion) sound one prolonged blast as:
MNZ Rule Part 22.34 (5) A vessel nearing a bend or an area of a channel or fairway where other vessels may be obscured by an intervening obstruction must sound one prolonged blast.

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Harbourmaster
Nelson City Council

