

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:

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 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.
- 6.1.2 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.

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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