

# Harbourmaster's Direction 17-1

## Foreword

Chatham Islands Council applies the principles described within the [New Zealand Port and Harbour Marine Safety Code](#) (the Code) to marine operations on the region's waters.

The movement of vessels within the Chatham Islands region 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.

## 1) Preamble

1) Pursuant to:

- a) Section 33F of the [Maritime Transport Act 1994](#); and
- b) Section 48 (wrong section this one relates to powers of the director in relation to examinations ie tests) and section 60A(2) (you sure this is the right section again it relates to Master to ensure rules relating to pilotage are complied with) of the Maritime Transport Act 1994, as delegated by the director to the Harbourmaster under section 444(2) s444(2) does not delegate s48 or 60A(2) of the Act and consented by the Minister of Transport under section 444(4) of the Act; and
- c) the Bylaw;

for the purpose of mitigating risks to maritime safety by 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.

## 2) Interpretation

1) In this Direction, unless the context otherwise requires:

**Act** means the Maritime Transport Act 1994.

**automatic identification system (AIS)** means an operational transceiver of class A or class B that complies with the requirements of the International Maritime Organisation (IMO).

**Bylaw** means the Chatham Islands Council Navigation Safety Bylaws 2013.

**Chatham Islands Region** means the area under the control of the Chatham Islands Council the sea area of which is shown in Schedule 1 of the Chatham Islands Navigation Safety Bylaws 2013

**commercial port** means the same as defined in section 33B of the Act.

*Explanatory note: For the sake of clarity, this includes Waitangi Wharf.*

**Council** means the Chatham Islands Council.

**gross tonnage (GRT)** means the gross tonnage of a ship determined under Maritime Rules [Part 48](#) or the tonnage measurement rules contained in Annex 1 of the International Convention on Tonnage Measurements of Ships 1969, as the case may be.

**Harbourmaster** means a person appointed as a Harbourmaster by the Canterbury Regional Council under section 33D of the Act.

**large vessel** means a vessel that is

- (a) 500 GRT or greater; or
- (b) 40 metres length overall or greater.

**length overall (LOA)** means the same as defined in Maritime Rules [Part 40A](#).

**vessel** means the same as “ship” as defined in section 2 of the Act.

- 2) 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.
- 3) Unless the context requires another meaning, a term or expression that is defined in the Act or a Maritime Rule or the Bylaw and used in this Direction, but not defined, has the meaning given by the Act or Maritime Rule or the Bylaw.

### **3) Application**

This Direction contains several parts and applies, in terms of its area of concern and vessel types, has a purpose and particular requirements according to each part as stated within it.

### **4) Variation**

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.

### **5) Liability**

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.

### **6) Parts**

Page 3 - **6.1 Seaworthiness, vessel defects, use of and immobilisation of engine:**

- 1) Movement of unseaworthy vessels
- 2) Inoperative equipment
- 3) Requirement to have Harbourmasters Permission in cases where equipment is inoperative
- 4) Engine Immobilisation

Page 4 - **6.2 Vessel operating requirements and limitations:**

- 1) Notification of Vessel movements to Port Company
- 2) Declaration of particulars of a vessel
- 3) Requirements for Oversize Vessels
- 4) Wind limits

Page 5 - **6.3 Chatham Islands Area of Restricted Access:**

- 1) Limitations on entry to Area of Restricted Access

Page 5 - **6.4 Miscellaneous provisions (port closure):**

- 1) Closure of the port to a vessel movement shall be done in consultation with the Harbourmaster

Page 6 - **6.7 Revocation of previous Harbourmaster’s Direction:**

- 1) Previous Harbourmaster’s Direction is revoked

## **6.1 Seaworthiness, vessel defects, use of and immobilisation of engine:**

### **Application:**

This part applies to large vessels in the sea area of the Chatham Islands region.

### **Purpose:**

To mitigate risks to maritime safety by limiting the movement of vessels that have reduced seaworthiness or defective equipment or that have lost something overboard; and requiring vessels to inform the Harbourmaster of any such defects or losses.

### **Requirements:**

#### **1) Movement of unseaworthy vessels**

- a) If an incident involves damage to a large vessel that affects or is likely to affect its seaworthiness the Master shall not move the vessel except to clear gain suitable sea room or shelter; or to moor or anchor in safety; or to act in accordance with the directions of the Harbourmaster.

#### **2) Inoperative equipment**

- a) All vessels navigating within the sea area of the Chatham Islands region must report to the Harbourmaster:
  - i) prior to entering the region's waters or departure from any berth or anchorage within the region any deficiencies with or any inoperability of any of the vessel's navigational or manoeuvring equipment; is this "and" or "or". Normally a semi colon would be read as "and".
  - ii) 24 hours in advance, or as soon as possible, any deficiencies with or any inoperability of any of the vessel's navigational or manoeuvring equipment where a vessel is to enter into, or navigate within any pilotage area.

#### **3) Requirement to have Harbourmaster's Permission in cases where equipment is inoperative**

- a) Any vessel with deficient or inoperative navigation or manoeuvring equipment may not enter into, or depart any wharf or anchorage within, the Chatham Islands region without the prior permission of the Harbourmaster.
- b) In granting such permission the Harbourmaster may give a direction as to the manner in which such vessel navigates within the pilotage area. Such direction may include the requirement to use tugs, wind limits on operations or any other such requirements, as may be deemed necessary by the Harbourmaster.

#### **4) Engine Immobilisation**

- a) A vessel may only immobilise its main engine when:
  - i) securely moored at a landing place; and
  - ii) the Master has ensured that the permission of the facility owner has been obtained.
- b) No vessel may immobilise its main engine or manoeuvring equipment when at anchor or underway without the permission of the Harbourmaster.

The port is a critical piece of infrastructure for the island – should the harbourmaster restrict the movement of a vessel tied up to either the main wharf or the fishermen's wharf this has the potential to restrict other vessels from landing or loading cargo. This would have a significant impact on the island. Are berthage fees able to be charged?

## **6.2 Vessel operating requirements and limitations:**

### **Application:**

Except where stated otherwise this part applies to large vessels in waters of the Chatham Islands Region.

### **Purpose:**

To ensure that vessels manoeuvring within a port approach area can be navigated in a manner that will not adversely affect the safety of navigation, is within international standards or, where not, that there are adequate mitigating measures in place.

### **Requirements:**

#### **1) Notification of Vessel movements to Port Company**

- a) The Master shall ensure that at least 24 hours prior notice is given to the Port Company of the vessel's arrival at Waitangi Wharf, or an anchorage off the wharf where tenders are to be used to transfer passengers to Waitangi Wharf.
- b) The Master shall ensure that at least one hour prior notice is given to the Port Company of the vessel's departure from Waitangi Wharf.

#### **2) Declaration of particulars of a vessel**

- a) The Master of any large vessel arriving at the Chatham Islands shall supply to the Harbourmaster and Port Company pre-arrival details regarding the vessel including:
  - i) the tonnages of the vessel; and
  - ii) the draft of the vessel; and
  - iii) the vessel's last port of call and next destination; and
  - iv) the vessel's ownership, Registry details and details of the company managing the operation of the vessel; and
  - v) details of any explosives, dangerous goods, flammable liquids and oils carried as cargo; and
  - vi) any other information requested by the Harbourmaster that is needed for navigation safety purposes.

#### **3) Requirements for Oversize Vessels**

- a) No vessel in excess of the following these sizes may navigate to, or moor alongside, Waitangi wharf without the prior permission of the Harbourmaster:
  - i) Maximum length overall 70 metres
  - ii) Minimum under keel clearance 0.5 metres
- b) Permission granted under 3)a) may be notified to the port operator, as agent for the ship owner, in cases where the permission cannot be passed to the ship's Master.

- c) In granting such permission the Harbourmaster may require a vessel to be computer simulated in order to set safe operating criteria.
- d) Where a ship owner, master or agent is unable to provide a simulation for the vessel the Harbourmaster may refuse entry to, or set strict operating criteria in respect of, that vessel. Such criteria shall be set by the Harbourmaster after consultation with the facility owner and/or port operator.

#### 4) Wind limits

- a) The Port Company shall, in consultation with the Harbourmaster, set and operate agreed wind limit guidelines<sup>1</sup> for Waitangi Wharf.

### **6.3 Chatham Islands Area of Restricted Access:**

#### **Application:**

This part applies to large vessels in the Chatham Islands region

#### **Purpose:**

To prescribe the requirements for the manner in which the vessels must navigate within this area.

#### **Requirements:**

##### 1) Limitations on entry to Area of Restricted Access

- a) No large vessel may enter into or remain within an area defined in the Application to this part without the prior permission of the Harbourmaster.
- b) A vessel granted permission to enter or remain within one of the areas must, as appropriate, operate in accordance with the:
  - i) Chatham Islands Navigation Safety Operating Requirements.

### **6.4 Miscellaneous provisions (port closure):**

#### **Application:**

Except where stated otherwise this part applies to all large vessels at Waitangi Wharf.

#### **Purpose:**

To ensure that relevant parties are involved in decisions to close Waitangi Wharf to vessels.

#### **Requirements:**

---

<sup>1</sup> For the sake of clarity, a “guideline” is a recommendation of best practice that is generally expected to be followed although has a reasonable allowance for pragmatic flexibility within the bounds of the exercise of sound professional judgement. This is to be compared with a “procedure”, which must be followed except in extenuating cases where the express permission of the Harbourmaster for any requested deviation from the procedure has been granted.

1) Closure of the port to a vessel movement shall be done in consultation with the Harbourmaster

- a) The operator of a commercial port shall consult the Harbourmaster before advising any Master or owner of a large vessel that the port is closed to the entry or departure of that vessel.

## **6.7 Revocation of previous Harbourmaster's Direction:**

1) Previous Harbourmaster's Direction is revoked

- a) This Harbourmaster's Direction revokes the following previously issued Harbourmaster's Direction:
  - i) Harbourmaster's Direction 1-13 (amended) Chatham Islands Area of Restricted Access

Joshua Thomas  
Harbourmaster  
Chatham Islands Council

Appendix 1 – Chatham Islands Region and Chatham Islands Area of Restricted Access

