

Hawke's Bay Regional Council Harbour Safety Management System

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Hawke's Bay Regional Council

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Glossary

Aid to Navigation (AtoN) means a device or system external to vessels that is designed and operated to enhance the safe and efficient navigation of vessels, or vessel traffic.

Code means the New Zealand Port and Harbour Marine Safety Code developed by Maritime New Zealand and its code partners and introduced in April 2016.

Code Application Assessment means a high level risk assessment to determine where and to what operations the code will apply.

Harbour includes the waters and any port within any pilotage area defined in Part 90 of the maritime rules and any other coastal or inland waters that a regional council determines are a harbour for the purpose of the code in accordance with a code application assessment.

Harbourmaster means a person appointed as harbourmaster under section 85(2)A of the Maritime Transport Act 1994.

Hazard

Means an activity, arrangement, circumstance, event, occurrence, phenomenon, process, situation or substance (whether arising or caused within or outside a place of work) that is an actual or potential cause or source of harm, and includes

- A situation where a person's behaviour may be an actual or potential cause or source of harm to the person or another person; and
- Without limitation, a situation described above resulting from physical or mental fatigue, drugs, alcohol, traumatic shock, or another temporary condition that affects a person's behaviour.

Incident means any occurrence, other than an accident, that is associated with the operation of a vessel and affects or could affect the safety of operation.

Marine Operations means those operations which facilitate the safe use of a harbour by vessels. They include, but are not limited to, directing shipping, the regulation of safety of navigation, pilotage, communication between vessels and the shore, the maintenance of aids to navigation and dredging within the Harbour.

Pilot in relation to any vessel means any person not being the Master or a member of the crew of the vessel who has the conduct of the vessel.

Port means a coastal marine area within a harbour occupied by a port company pursuant to a coastal permit issued under section 384A of the Resource Management Act 1991, or pursuant to any other lawful right of occupation. It also includes any berth or channel that is agreed by the regional council and the port company to be the responsibility of the port company.

Port Company means a port company established under the Port Companies Act 1988 and any other operator of a port facility as determined by a regional council.

Vessel means every description of boat or craft used in navigation, whether or not it has any means of propulsion, and includes:

- A barge, lighter or light vessel

- A hovercraft or other thing deriving full or partial support in the atmosphere from the reaction of air against the surface of the water over which it operates.
- A submarine or other submersible.

In this Safety Management System, unless the context otherwise requires, the words must, shall, should, and may are used with the following meaning;

Must means a legal obligation

Shall means a requirement in order to comply with the Code.

Should means best practice identified by the Code.

May means empowerment to act, but no direct legal obligation.

1. Napier Pilotage Area Safety Management System

1.1 Introduction

Within the marine area under the control of the Hawke's Bay Regional Council, there is only one defined pilotage area, that is the Napier Pilotage Area as defined in Maritime Rule Part 90. This defined area includes the Breakwater Harbour managed by Napier Port Limited and the Napier Inner Harbour managed by the Napier City Council. This Safety Management System applies to the waters and the maritime activities that occur within the Napier Pilotage Area.

The purpose of this Safety Management System is to promote best practice in the conduct of safe marine operations in the Napier Pilotage Area. The Safety Management System is supported by a number of key documents, which collectively provide the framework for how safe marine systems are promoted, managed and regulated

1.2 Port and Harbour Marine Safety Code Requirements

Part 1 of the Code sets out the duties and powers of the various organisations and individuals who have legislative responsibility for navigational safety.

Part 2 sets the standard against which councils and port companies can measure themselves in terms of carrying out their respective duties and powers.

The Safety Management System is a means of documenting how Hawke's Bay Regional Council carries out its navigational safety responsibilities in compliance with the Code, within the Napier Pilotage Area,.

The components of the Safety Management System includes:

- Completion of an annual Self-Assessment comparison with code requirements.
- Regularly updated Hazard ID and Risk Assessments based on
 - Navigation Safety Bylaws
 - General directions, where appropriate
 - Pilotage directions.
 - Notices to Mariners
 - Passage Plans
 - Standard Operating Procedures
 - Accident, Incident and near miss investigation systems.
 - Emergency response plans.
- A safety plan (identifying roles and responsibilities, describing how risks will be managed and by whom, and explaining the audit system)
- Memoranda of Understanding.
- External and internal delegations.
- Standard Operating Procedures to:
 - Ensure the tactical execution of risk control measures are preserved.
 - Regulate the safe arrival, berthage, departure and movement of all vessels.
 - Protect the general public from dangers arising from marine activities.
 - Carry out all its functions with a special regard to their possible environmental impact.

- Prevent acts or omissions that may cause personal injury to employees or others or damage the environment.
- A rolling SMS action plan.
- A method of obtaining contributions to SMS development process by stakeholders.
- Routine periodical external audits against the Code.

1.3 System Components of Maritime Safety Policy

The policy components of this Safety Management System include:

- A statement of Commitment.
- Enforcement
- Conflicts of Interest
- General Navigational Safety Policy
- Specific Policies for the Breakwater Harbour and the Inner Harbour.

1.4 Accessing the Napier Pilotage Area Safety Management System

The Safety Management System is available in electronic form on the HBRC website.

2 Policy

This section sets out the HBRC policy framework, and provides detail on those policies developed for managing navigation and safety matters within the Napier Pilotage Area.

2.1 Policy Development and Communication

The Harbourmaster in conjunction with other staff was responsible for developing marine safety policy for Council's consideration. In drafting any policies the Harbourmaster consulted with appropriate and affected parties. Draft policy was then referred to the relevant HBRC Committee for approval and adoption.

The Harbourmaster is responsible for ensuring that key stakeholders and other affected parties are kept informed of HBRC's marine safety policy.

2.2 General Policy

HBRC will maintain navigational safety in the regions coastal waters and navigable rivers and promote boating safety in accordance with statutory requirements and resources.

To achieve this within the Napier Pilotage Area HBRC has implemented the requirements of the Code, the MTA 1994 and any subsequent amendments, the Resource Management Act 1991 and any subsequent amendments, and the Local Government Acts 1971 and 2002 and any subsequent amendments.

The HBRC therefore:

- Regulates marine activities and operations in a way that seeks to safeguard the Napier Pilotage Area, its users and stakeholders, the public and the environment.
- Promotes a positive safety culture for marine activities by seeking to educate boat users about water safety and ensuring safe navigation around the Port of Napier, the Inner Harbour and the regions coastal waters generally.
- Has appointed and will seek to maintain a suitably qualified Harbourmaster to enable it to undertake its navigational safety responsibilities.
- Has established and maintains a Stakeholder group comprising Napier Port Limited, Napier City Council, Commercial and Recreational stakeholders and other users of the Breakwater and Inner Harbours as a means of seeking input and disseminating information.

2.2.1 Enforcement of Navigation Safety

HBRC has promoted and enforces compliance with bylaws and HM directions by:

- Undertaking regular surveillance of small craft movements within the Inner Harbour, particularly at times of high usage. This is part of a region wide monitoring programme. Infringement notices are used where there is a breach of a bylaw to address non-compliance and to act as a deterrent against future offending.
- Providing an after-hours service to receive calls about unsafe navigational safety practices. These are responded to by the Harbourmaster, Deputy Harbourmaster, or other HBRC enforcement officers as appropriate.

- Maintaining a Harbourmaster presence on site at the Port of Napier to enable active monitoring of marine operations with directions being given when necessary and supervised.

The Harbourmaster is responsible for the enforcement of HBRC's Navigation Safety Bylaws and HM Directions in the Napier Pilotage Area. It is HBRC policy that all prosecutions need Chief Executive sign-off. Any court action in relation to breaches of its Navigation Safety Bylaws, would be taken after due process and legal advice.

2.2.2 Conflicts of Interest

HBRC is a 100% shareholder in Napier Port Limited. To ensure commercial pressures do not interfere with the effective discharges of its navigational safety duties, the following measures are in place;

- The Port Company operates as a fully autonomous subsidiary of the HBRC. While HBRC has the power to appoint the directors and has input into the Statement of Corporate Intent, there are no regional Councillors on the Board of Directors and HBRC does not participate in the management or operations of the company.
- The Harbourmaster has statutory authority to give directions relating to shipping operations and movements and to make other decisions under the Local Government Act 1974 and is therefore unencumbered by overriding authorities.
- HBRC is structured so that the Harbourmaster role is contained in the Environmental Regulation Section of the Environmental Management Group. This clearly signals that it is a regulatory role.
- HBRC has ensured that the duties of the Harbourmaster do not include any operational activities related to port operations, for example, pilotage duties, unless a relieving Harbourmaster is available and on duty.

2.3 Navigational Safety Policy

The navigational safety policy of HBRC is to:

- Comply with all legal duties and responsibilities for the regulation of vessel traffic and the safety of navigation.
- Develop and maintain an effective Safety management System based on the continuing assessment and mitigation of risk.
- Promote the provision of appropriate pilotage, traffic management, towage, and berthing services, within the Napier Pilotage Area.
- Build relationships with key stakeholders and other affected parties that operate within the Napier Pilotage Area.
- Ensure that suitable anchorages, and the best channels for navigation, are determined, marked, monitored, and maintained.
- Meet its harbour management functions in respect of hydrographic surveying, navigation, and the provision and maintenance of navigation aids.
- Remove sunken vessels and other obstructions that are, or may become an impediment to safe navigation.
- Promote awareness of navigational safety matters and the protection of the marine environment.
- Maintain contingency plans to cover emergency situations relating to the safety of life, property or the environment.
- Maintain appropriate emergency and oil spill response capabilities.

- Enforce, monitor, and regularly review the navigation Safety Bylaws to ensure harbour use remains safe and effective.

2.4 Supporting Marine Policies

Within the Napier Pilotage Area there are two specific areas that have different activities and organisations responsible for those activities, they are:

- The Breakwater Harbour and
- The Inner Harbour

Specific policies relating to these areas are outlined below.

For maritime operations within the Napier Pilotage Area, HBRC has the following marine policies.

- In accordance with Maritime Rule 90 all pilots operating in the Napier Pilotage Area need to have a current license issued by Maritime New Zealand.
- The Harbourmaster has authority to examine for competency all pilots wishing to operate within the Napier Pilotage Area.
- To promote a close and integrated working relationship between pilots, PEC holders, Napier Port Limited, and Maritime New Zealand.
- To promote compliance with all Maritime rules and HBRC's Navigation and Safety Bylaws. Specifically Bylaw S1.4 which regulates vessel movements with the Napier Pilotage Area.
- To periodically review, in liaison with Maritime New Zealand, the requirements for compulsory pilotage, pilotage limits, pilot boarding and disembarking areas.
- To regularly review, in liaison with Maritime New Zealand, the pilotage service and exemption system to ensure that they continue to reflect the requirements of the port with regard to the safety of navigation.

2.4.1 Breakwater Harbour

Napier Port Limited is responsible for marine operations within the Breakwater Harbour. It has developed and implements its own Safety Management System for maritime operations within this area.

There are a number of policies the HBRC has that only relate to the Port of Napier Limited operations. The following policies have been developed in consultation with the Port of Napier Limited but reflect the HBRC expectations for those operational areas.

2.4.1.1 Pilotage

- Maritime Rule Part 90 requires any vessel greater than 500 GRT or 40 metres length overall entering the Breakwater Harbour to be piloted. The Napier Pilotage Area sets the boundary for inbound ships. There is also a boundary for outward bound ships within the Napier Pilotage Area.
- The Harbourmaster has authority to examine Masters of vessels regularly using the Port of Napier for pilotage exemption certificates (PECs).
- Napier Port Limited has a Pilotage Manual which contains all relevant operational procedures. The Pilotage Manual is updated on a regular basis to reflect the requirements of this Safety Management System and other appropriate regulations.

2.4.1.2 Harbour Management

- Napier Port Limited are responsible for:
- Dredging of the Breakwater Harbour and approaches.
- Surveying the Breakwater Harbour and approaches.
- Maintaining their own aids to navigation within the approaches to the and within the Breakwater Harbour.

Napier Port Limited have implemented their own policies on these matters and these are reflected in its Safety Management System for the Breakwater Harbour.

These harbour management activities are undertaken in consultation with the Harbourmaster. The hydrographic data from all dredging and surveying operations are passed on to the Harbourmaster. The Harbourmaster assesses all hydrographic data received in conjunction with relevant charts and publications. If considered necessary local navigation warnings are issued and both LINZ and Maritime New Zealand are notified.

2.4.1.3 Traffic Management

Napier Port Limited have implemented a traffic management policy which makes reference to the HBRC Navigation and safety Bylaw S1.4, national guidelines and IALA standards. This is reflected in its Safety Management System for the Breakwater Harbour.

2.4.1.4 Towage

Napier Port Limited implements a towage policy that sets the basis on which towage is provided in the Breakwater Harbour, the criteria for determining the adequacy of the towage capacity and the process through which the Harbourmaster will approve the towage guidelines.

2.4.2 Inner Harbour

The key stakeholders that operate within the Inner Harbour are:

- Napier City Council – which owns and operates the wharves, and is responsible for the regular dredging of the channel.
- Napier Sailing Club – which owns and operates the sailing marina.
- Coastguard
- Fishing Companies
- Recreational Groups, such as the sports fishing club, Waka Ama groups, Canoe Polo and SUP operators.

These key stakeholders are required to conduct their operations in a safe manner, taking account of Maritime Rules and HBRC Navigation and Safety Bylaws. Specifically Bylaws:

- 2.3 which prohibits people swimming or diving around wharves
- 2.4 which regulates how engines are to be operated around wharves and ramps
- 2.7 which regulates vessels to be adequately moored or secured
- 3.2 which regulates the speed of vessels

HBRC provides and maintains adequate aids to navigation, consistent with user requirements to facilitate safe navigation within the Inner Harbour and its approaches. The Harbourmaster is responsible for disseminating information on soundings and depths of the channel and for providing navigation warnings with respect to the Inner harbour as he believes appropriate for the safe movement and operation of vessels.

HBRC has some specific requirements of Napier City Council in regard to the Inner Harbour, these are contained within the Memorandum of Understanding, for example:

- Undertake dredging and maintenance of the Inner harbour channel to maintain a minimum depth of 2.4 metres below chart datum.
- Undertake frequent surveys of the Inner Harbour channel, and special surveys following significant storm events to ascertain the depth of the channel.

For its part HBRC:

- Is committed to keep the channel clear of wrecks, obstructions or other dangers.
- The council promotes and encourages other stakeholders to develop and operate standard operating procedures for safe berthing, provision of berths, and other marine operations as is appropriate for their business.

2.5 Other Marine Related Policies

HBRC has specific Bylaws for tanker, hazardous cargoes, hazardous works and dangerous materials.

In accordance with the requirements of the Maritime Transport Act, HBRC has developed and implements a Tier II Oil Spill response plan, and expects relevant key stakeholders to have approved Tier 1 oil Spill response plans regarding their operations within the Napier Pilotage Area.

HBRC has specific Bylaws that regulate where and how leisure craft may be operated within the coastal marine area of Hawke's Bay.

3 Organisation and Individual's Responsibility

3.1 General Responsibility for the Management of Navigational Safety

Whilst ultimate responsibility for safety at a reasonable cost within the New Zealand Maritime System lies with the Minister of Transport through Maritime New Zealand, the power to regulate shipping movements for the purpose of navigational safety has been placed with HBRC by the Maritime Transport Act 1994.

HBRC does this by making Bylaws and through powers exercised by the appointed Harbourmaster. In addition HBRC has a power and a corresponding duty to erect and maintain aids to navigation, remove obstructions and impediments to navigation and to execute and maintain works, which in the opinion of HBRC tend to improve navigational safety.

3.2 Functional structure of Hawke's bay Regional Council

The organisation and responsibilities of the Safety Management System are depicted overleaf

3.3 Individual Accountability and Responsibilities within HBRC

The navigation safety management functions are carried out by a number of staff. Their roles and responsibilities are described below.

3.4 Duties and Powers of the HBRC

- The duties of the HBRC in relation to safety management are described as follows:
- To discharge the duties and exercise the powers given to it, both directly and by delegation, as it considers appropriate.
- To discharge the function of duty holder as defined in the PHMSC by ensuring code compliance and the safe management of navigation.
- To ensure that appropriate financial, material, and personnel resource are available for the discharge of its duties under the code.
- To seek and adopt appropriate powers for the effective enforcement of procedures identified under the requirements of the code.
- To approve the strategy, policies, plans and budgets together with strategic objectives.
- To review performance against its strategic and operational objectives, plans and budgets.

3.4.1 HBRC Committees

HBRC has a number of committees. The terms of reference for the Environmental Management Committee includes the following:

“ To consider and recommend to Council, strategies, policies and Bylaws and compliance and enforcement programs relating to maritime and navigational safety under the Maritime Transport Act”

3.5 Memoranda of Understanding.

The PHMSC requires that each instrument of delegation or memorandum of understanding be included in Safety Management System documentation.

HBRC has developed, has in place, and regularly updates MoU with Napier City Council, and Port of Napier Limited regarding navigational safety within the Napier Pilotage Area.

Organisation & Responsibilities

Figure 1

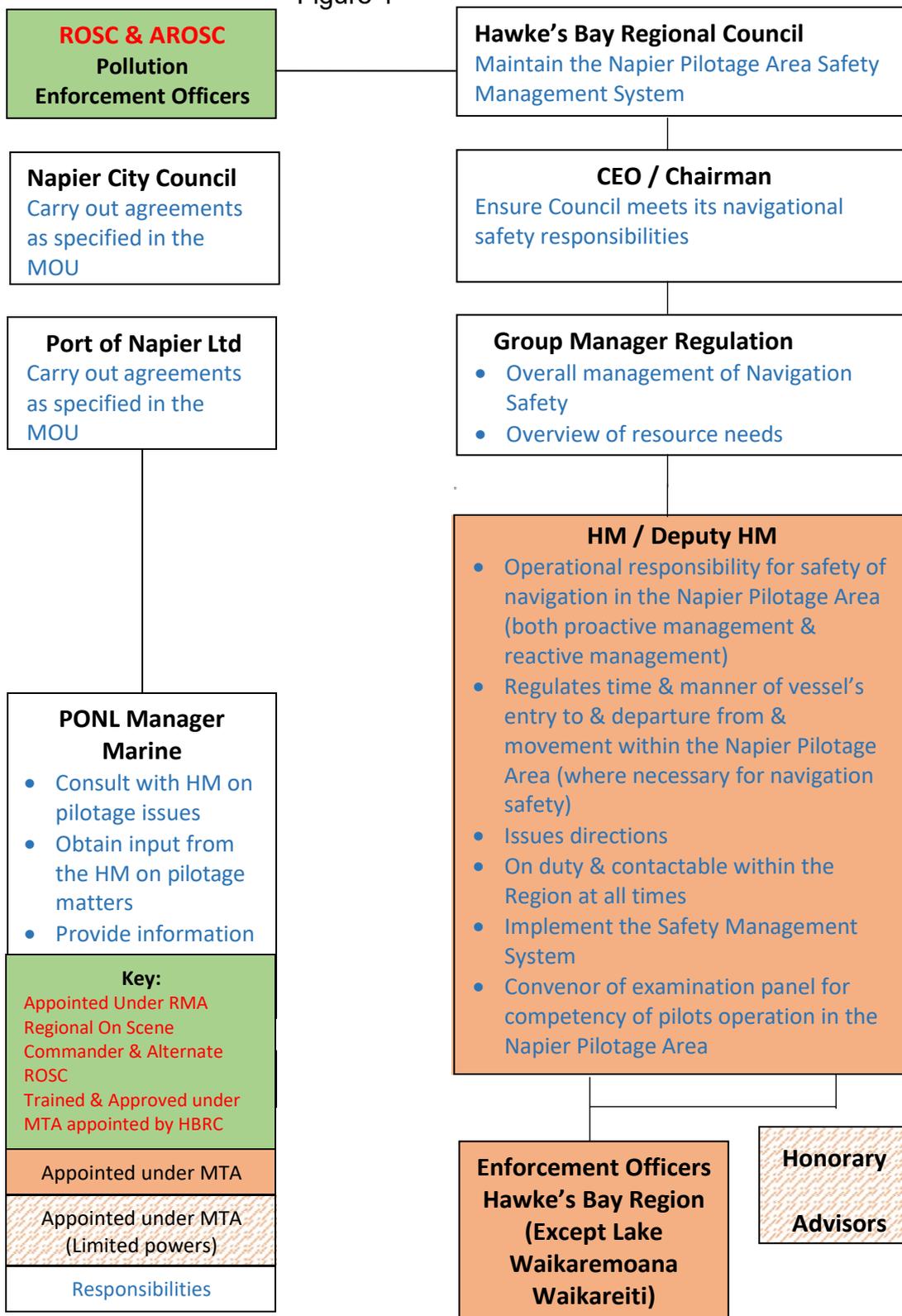


Figure 2:

Title	Roles and Responsibilities
CEO	Overall responsibility for ensuring HBRC meets its navigational safety responsibilities.
Group Manager Regulation	<p>Overall management of the Navigation And safety</p> <p>Project Overview of resource needs</p> <p>Services the Environmental Management Committee which deals with navigational safety policy and regulation matters.</p>
Harbourmaster	<p>Reports to Group Manager Regulation</p> <p>Refer Job Description for further information</p> <p>Principle operational responsibility for the safety of navigation in the Napier Pilotage area, and exercising operational powers with respect to the safety of marine activities in the Napier Pilotage Area</p> <p>Powers are prescribed in Part 3A Section 33F of the MTA 1994</p> <p>Has power and duty to regulate the time and manner of vessels entry to and departure from and movement within the Napier Pilotage Area, where necessary in the interests of navigation safety.</p> <p>Has power to issue directions and to move and remove ships. On duty and contactable at all times. (Either HM or Deputy HM) Is the designated person for the purpose of the SMS</p>
Deputy Harbourmaster	Undertak Harbourmaster duties in the Harbourmaster's absence.
Boating Advisors	Advisory officers pursuant to Navigation and Safety Bylaws

4 Implementation

4.1 PHMSC Assessment

HBRC regularly carries out code compliance assessments of both recreational and commercial activities in the coastal and inland waterways of the region. These assessments continue to show the Breakwater Harbour and Inner Harbour at Ahuriri dominate both recreational and commercial maritime activities within the region.

These two harbours are located within the Napier Pilotage Area as defined in Part 90 of the Maritime Rules.

4.2 Napier Pilotage Area Risk Assessment

4.2.1 Port of Napier Limited Risk Assessment

The Napier Port Limited Napier Pilotage Area risk assessment has been approved by Maritime New Zealand, as a fully integrated part of the HBRC Napier Pilotage Area Risk Assessment. This assessment underpins the safety culture necessary to achieve incident free operation. The risk assessment is subject to continuous review and update.

The risk assessment process systematically identifies the risks and consequences which may occur or arise from the marine activities of the Breakwater Harbour and approaches. The scope of the assessments is all encompassing and includes navigational, geographical, weather, operational, and vessel related activities.

4.2.2 Port of Napier limited Risk Assessment Records

Napier Port Limited maintains records of risks, together with the associated risk control measures employed to mitigate those risks. A dedicated database is used by Napier Port Limited to facilitate the monitoring, recording, ranking and risk mitigation.

4.2.3 Breakwater Harbour Safety Management System

The Harbourmaster in consultation with Napier Port Limited staff has set particular objectives at an operational level. These are intended to promote and sustain the development of the Harbour Safety Management System.

Objectives Included:

- At all times ensuring that all reasonable and practicable steps are taken to identify the hazards and risks arising from operational maritime activities.
- Reducing risks to as low as is reasonably practicable.
- Ensuring conformance with applicable port and maritime legislation, the port or harbour's navigational safety and marine policies and associated operating procedures.
- Periodically reviewing data gathered from audits, inspections, incidents and any concerns raised to evaluate and determine where improvements and changes need to be made.
- Implementing employee competence training and Safety Management System awareness programmes.

Annual stakeholder meetings and regular meetings with key Napier Port Limited staff are the forum for these objectives. The output is a "Rolling Harbour Safety Management Action Plan" for recording the monitoring of objectives and the recommendations, which are made and need to be implemented to achieve or maintain the objectives.

4.3.1 Napier City Council Inner Harbour

NCC has an express power under the MTA 2013 Section 85(2)A to erect and maintain infrastructure (wharves and jetties etc.) for the improvement, protection, management and utilisation of waters within its district (including sounding and dredging)

Such actions will in some cases, for example, be the erection of works or the placing of aids to navigation, be subject to consents or other authorisations, including the approval of the Director MNZ.

5 Risk Management Systems

Any safety management system is underpinned by operating procedures and standard working practices. This section outlines the Harbourmaster's working practices currently in place in the Napier Pilotage Area to control and minimise risk in marine operations.

5.1 Standard Operating Procedures

This section outlines the standard work practices and operating procedures carried out by the Harbourmaster for managing marine activities within the Napier Pilotage Area.

5.1.1 Traffic Management

The Harbourmaster is responsible for checking the shipping movement schedule for the Breakwater Harbour on a frequent and regular basis. Napier Port Limited marine operations data and information is available on line in the Harbourmaster's office.

During heavy swell, poor visibility, or strong wind speed events the Napier Port limited are required to inform the Harbourmaster immediately before commencing any piloted shipping movements with regards to marginal adverse weather limits as may be specified in the Napier Port limited Standing Orders.

The Harbourmaster is responsible for updating his knowledge and awareness of adverse weather information regularly as required. Weather information is available from the following sources:

- Enview for Tide, Wind and Swell conditions. The office lap top is taken home in the evenings.
- Metocean Solutions for swell forecast and particularly for longwave predictions, wind, visibility and IG. Any longwave prediction >0.2 metres result in moderate to heavy surge conditions in the harbour.
- Metris (Howard Staines) for the Port of Napier forecast.
- Metservice forecasts.

Shipping movements may only occur under the Napier Port Limited Pilotage Standard Operating Procedures unless the Harbourmaster's approval is given to operate outside these limits.

- For vessels over 150 metres in length and in all cases for vessels with a draft over 7 metres the DUKC system will be used to determine whether a dep draft shipping movement should go ahead unless otherwise directed by the Harbourmaster.
- In poor visibility conditions shipping movements may only proceed within Pilotage Procedure limitations or as approved by the Harbourmaster.
- In strong wind speed conditions shipping movements may only proceed within Pilotage Procedure limitations. Wind speeds and direction may vary enormously at times, thus the Harbourmaster may postpone shipping movements if there are any concerns.

5.1.2 Harbourmaster Directions

Directions may be given to reduce the risk of an incident involving any vessel within HBRC waters.

The Harbourmaster will monitor how navigational safety issues are managed by commercial and recreational stakeholders, especially where there is increased risk because of extreme sea state, wind strength, restricted visibility, aids to navigation failure and reported ship / tug deficiencies or any other causes.

For navigation safety purposes a ship's Master may for example be directed to:

- Remain in port
- Remain outside port
- Cease cargo operations
- Comply with specific conditions before moving the ship (eg carry a pilot, make fast a tug etc.)
- Moor the ship in a specific manner.

Directions may also be given to take control of an incident such as the management of a shipping incident (grounding, collision, dangerous goods spillage, or fire on board) or the management of shipping movements after receiving a tsunami warning or with regard to any seabed movement after an earthquake.

5.1.3 Pilotage

The Harbourmaster will regularly update his knowledge of the Napier Port Limited pilotage requirements in both practice and management so as to be able to monitor shipping movements effectively and to contribute to the pilotage examination process.

5.1.4 Passage Planning (for vessels >40 metres LOA)

Pilots and Pilot exempted Masters must ensure that adequate passage planning is carried out for each individual ship movement. Passage plans must be in the Napier Port Limited format for all piloted movements. Pilot Exempt Masters must develop written passage plans for their vessel consistent with best practice. The Harbourmaster may request a copy of a Master's passage plan for any planned shipping movement or after an incident.

5.1.5 Tugs And Towage

Napier Port Limited tugs will be operated in accordance with the Napier Port Limited Pilotage Standard Operating Procedures. Napier Port Limited is to keep the Harbourmaster informed when either one or both tugs are non-operational.

5.1.6 Harbour Management

Pursuant to the HBRC Navigation and Safety Bylaws, the Harbourmaster may issue:

- Hot Work Permits on vessels in port.
- Permission to Immobilise a ship's main engine.
- Permission for Underwater diving operations.

Pursuant to the HBRC Navigation and Safety Bylaws, the Harbourmaster oversees:

- Fuel Oil Transfers
- Tanker Transfers
- Tallow Ship Transfers.

5.1.7 Provision of berths and berthing procedures

These are provided for as per the HBRC memoranda of understanding with Napier Port Limited and Napier City Council.

5.1.8 Dredging operations and maintenance works

These activities are provided for as per the HBRC memoranda of understanding with Napier Port Limited and Napier City Council.

5.1.9 Workboats

HBRC works group and the water quality team operate an aluminium dinghy which operates under MNZ Specified Limits in enclosed waters only.

5.1.10 Control of Dangerous Goods

Pursuant to Maritime Rule Part 24A Carriage of Dangerous Goods, the Harbourmaster must oversee the safe movement of dangerous goods within the Napier Pilotage Area. The Breakwater Harbour has been assessed for Class 1 (Explosives) movements.

5.1.11 Aids to Navigation

The harbourmaster will ensure that there are sufficient aids to navigation (AtoN) to meet the navigation and safety needs of the Napier Pilotage Area stakeholders. The Harbourmaster must notify stakeholders should there be any outage or other deficiency to Napier Pilotage Area aids to navigation.

5.1.12 Napier Inner Harbour

Small craft movements within the Inner Harbour occur without management by harbour authorities.

For special events such as fireworks displays, where sea areas have been reserved the harbourmaster will monitor compliance with all navigation and safety requirements.

If small craft break their moorings during heavy swell or surge conditions the Harbourmaster may direct or cause such craft to be re-secured.

5.1.13 Standard Operating Procedures

The Harbour Master has developed Standard Operating Procedures to assist with the delivery of Harbour functions pursuant to relevant legislation. SOP's developed to date are listed in PROMAPP.

In addition, HBRC's Navigation and Safety Bylaw requires and describes a number of standard work practices by commercial and recreational stakeholders. These are listed below:

- Hot Work Permit – Schedule 4.5
- Carriage of lifejackets / buoyancy aids – s2.2
- Permission for diving operations – s2.3
- Testing of vessel's propulsion system – s2.4
- Moored vessels to be in serviceable condition – s2.5
- Means of Access – s2.7.5
- Minimum age for operating power vessels – s3.1
- Speed of vessels – s3.2
- Special Events approvals – s3.9
- Tankers, hazardous cargoes, hazardous works and dangerous materials – s4.1 to s4.6
- Commercial non MOSS vessel licencing – s4.3
- Bunkering (of vessels) – Schedule 4.7

5.2 Emergency Response

SOP PRO 02 Maritime Emergency provides information on immediate response prompts for safety and environmental accidents and incidents within the Breakwater Harbour and Harbour approaches for:

- Immediate response for Marine Incidents
- Marine Search and Rescue
- Tsunami / High Seas
- Oil Spills

5.3 Accident, Incident and Near Miss Investigation and Records

The HBRC's Navigation and Safety Bylaw requires all accidents, incidents and near misses to be reported to the Harbour Master.

The Napier Port Limited also requires that any navigational safety incidents including near misses are reported to the Harbour Master.

HBRC's Safety and Health policy requires all accidents, incidents and near misses involving Council staff to be reported to the Council safety officer.

The MTA 1994 requires the Master of a vessel to report accidents, incidents and near misses to MNZ. All reports received are posted on the MNZ website on a monthly basis.

The Harbour Master in consultation with MNZ will determine who investigates a reported accident, incident or near miss incident.

6 HBRC Training

HBRC places a lot of importance on continued training and skills enhancement.

The training of council personnel includes:

- Safety induction by Napier Port Limited and appropriate HBRC staff
- The identification of competency requirements by meeting the Job Description criteria
- When necessary skills are identified suitable training, either external or in-house is arranged.
- Using personnel ability / performance appraisal systems such as peer appraisal, manager's performance review are undertaken.
- On-going professional development is made available.

7 Audit and Review

7.1 Audit

The auditing process of the Harbour Safety Management System aims to provide HBRC with robust information on how effective the implementation of the Safety Management System has been and highlight areas for improvement.

The audit objectives are:

- To determine if the Harbour Safety Management System is being operated in accordance with HBRC's navigational safety policies and bylaws and the provisions of the PHMSC.
- To monitor the overall effectiveness of the system
- To support the continuous improvement in navigational safety performance within the Napier Pilotage Area.
- To confirm that Safety Management System procedures are understood and being actioned by key stakeholders.

7.2 Risk Assessment Data / Archive

HBRC, Napier City Council, and the Port Company maintain a record of all identified hazards, together with the associated risk control measures employed to mitigate those hazards.

Electronic risk assessment software is currently in use by the port for this requirement.

7.3 Harbour Safety Management System Review

The identification and assessment of navigational hazards is central to the effective maintenance of the harbour Safety Management System. In general, the review of hazards and control measures will be initiated by one of the following:

- Planned periodic review of established hazards and risk controls.
- Investigation of an incident or near miss
- Risk assessment of a new or significantly changed trade or marine operation.

HBRC undertook a formal planned review of how it met the requirements of the NZ PHMSC 3 years after the MNZ approval (May 2013) and thence every 5 years.

However, to maintain an effective navigation safety regime within the Napier Pilotage Area HBRC will maintain a rolling review process that will include an annual meeting with key stakeholders, and quarterly meetings with key Napier Port Limited staff.

The annual meeting will provide an opportunity to review marine activities, identify any new hazards associated with any changes to activities and evaluate the risks and risk control strategies.

The quarterly meetings with Napier Port Limited will provide an opportunity to review the Safety Management System, in addition to frequent liaison on navigation safety matters between the Harbour Master and Napier Port Limited's Marine Manager and pilots.

Based on this rolling review process this SMS will be updated as often as necessary to improve and enhance navigational safety capabilities.

8 Appendix 1

SMS Distribution List

Hawke's Bay Regional Council

Regional Harbourmaster

Deputy Harbourmaster

Maritime New Zealand

Napier City Council

Napier Port Limited

Napier Port Limited Marine Manager