INNER HARBOUR
RULES AND REGULATIONS

These Rules and Regulations apply to all berth holders, vessel owners, operators, crew, invitees and other authorised users of the Napier Inner Harbour. They are intended to sit alongside the Berthage Licence to Occupy and may be updated by Napier City Council from time to time. Where a Licence to Occupy and these Rules are inconsistent, the Licence to Occupy prevails.

1. Legal framework and compliance

1.1 All vessels and harbour users must comply with all applicable laws, bylaws, harbourmaster directions, maritime rules, and Council requirements while using the Inner Harbour.
1.2 Without limitation, berth holders and users must comply with any applicable requirements under:

- the Hawke's Bay Navigation Safety Bylaw 2024, as amended or replaced from time to time;
- any Harbourmaster directions, notices, exclusion zones, temporary controls or operational restrictions applying to Hawke's Bay waters or the Inner Harbour;
- the Maritime Transport Act 1994 and any applicable Maritime New Zealand rules or requirements;
- the Resource Management Act 1991;
- the Resource Management (Marine Pollution) Regulations 1998;
- the Health and Safety at Work Act 2015, where applicable, particularly in relation to commercial operations, workers and workplaces;
- any other lawful requirement of Napier City Council, Hawke's Bay Regional Council, the Harbourmaster, Maritime New Zealand, or any other authority with jurisdiction.

1.3 All users must comply promptly with any lawful direction given by Napier City Council, the Harbourmaster, or an authorised enforcement officer in relation to safety, navigation, access, berth allocation, maintenance, environmental protection, or harbour operations.
1.4 Users are responsible for ensuring they are familiar with the current rules, directions, notices and restrictions that apply to the Inner Harbour at any given time.

2. Berth allocation and use

2.1 Berths are allocated by Council. Allocation of a berth does not give the berth holder any right of exclusive possession.
2.2 Berths are personal to the approved berth holder and are not transferable. A change in vessel ownership or licence holder requires a new application unless Council expressly agrees otherwise in writing.
2.3 Council may reallocate, relocate, suspend access to, or otherwise change berth arrangements where reasonably required for safety, maintenance, dredging, congestion management, construction activity, emergency response, or efficient harbour operations.
2.4 West Quay berths may be allocated on a first come, first served basis. Where required for Harbour operations and safety, vessels may be required to berth alongside one another. Unless Council or the Harbourmaster directs otherwise, no more than four vessels may berth abreast into the channel.
2.5 The fuel berth may only be used for refuelling. The wharf may only be used for the discharge of fish and for loading or unloading bait, ice, fuel, stores, water, passengers or crew, or as otherwise

directed by Council or the Harbourmaster. Vessels must vacate these areas promptly once the authorised activity is complete.
2.6 Council may impose time limits, vehicle restrictions, loading controls, access controls, or operational restrictions on any berth, wharf, pier, catwalk or harbour area from time to time, for example a booking system.

3. Vessel condition, seaworthiness and maintenance

3.1 Every vessel berthed in the Inner Harbour must be securely moored, maintained in a good, serviceable and seaworthy condition, and must not obstruct, interfere with, or endanger any other vessel, berth, wharf, pier, catwalk, structure or harbour user.
3.2 Council or the Harbourmaster may inspect any vessel and may require the vessel owner or berth holder to provide evidence of seaworthiness, maintenance status, antifouling status, marine biosecurity compliance, registration details, or any other relevant information.
3.3 A vessel occupying a berth must, where required by Council, be fitted with a functioning automatic bilge pump while berthed.
3.4 At the time of application and renewal, and at any other time on request, vessel owners must provide confirmation satisfactory to Council or the Harbourmaster that the vessel complies with any applicable antifouling, hull cleanliness, marine biosecurity, safety or maintenance requirements.
3.5 Vessel owners must ensure their vessel is used, maintained and operated in a way that does not create a maintenance, environmental, biosecurity or navigation risk. Council or the Harbourmaster may require a vessel to be moved, repaired, cleaned, or removed where this standard is not met. The vessel must be in a state it can be set to sea, if it is not, the vessel owner must notify Council when it will be.
3.6 Refit work is not permitted in a berth unless expressly approved by Council. This includes welding, gas cutting, disc sanding, grinding, spray painting, or any other maintenance activity that creates safety, fire, pollution or nuisance risks. Such work must be undertaken only in an area approved for that purpose.
3.7 No alteration may be made to any Council structure and no additional structure may be erected, installed, lashed, fixed or attached, including pontoons, ramps, frames, platforms or similar items, unless Council has given prior written approval.
3.8 The owner must notify Council within 5 working days of any material change to the vessel, including a proposed replacement vessel, change in registration, material alteration to dimensions or condition, or change in ownership.

4. Safety, access and conduct

4.1 All activities in the Inner Harbour must be carried out safely and with proper regard to other users, adjoining land occupiers, Council staff, contractors and emergency services.
4.2 Users must not engage in unsafe, antisocial, unlawful, threatening, abusive, offensive or disruptive behaviour, or any conduct that creates nuisance, danger or unreasonable interference with Council operations or other harbour users.
4.3 All exclusion zones, closures, signage, barriers, restricted areas, temporary controls and Harbourmaster directions must be obeyed at all times. Users must not enter any closed or cordoned area unless specifically authorised.
4.4 Walkways, piers, wharves, catwalks, gangways, ladders and access routes must be kept clear at all times. No rubbish, gear, fish bins, hoses, ropes, appliances, fuel containers, equipment or other obstructions may be left in a way that creates a hazard or impedes safe access.

4.5 Owners and operators must take all reasonable care to ensure vessels are secured against unauthorised release or movement. Council may specify additional mooring or security requirements for vessels in public or higher-risk locations.
4.6 All electrical leads, plugs, appliances and equipment connected to Council power supplies must comply with applicable requirements and must display current test and tag certification where required.
4.7 Dangerous goods, flammable substances, explosive substances, and hazardous materials must not be brought onto, stored on, discharged into, or used in the Inner Harbour except in accordance with all applicable laws, safety requirements, Council approval and Harbourmaster requirements.
4.8 Council or the Harbourmaster may direct any person to stop an activity, move a vessel, reduce loading, remove equipment, or leave an area immediately where reasonably necessary for safety, congestion management, marine works, maintenance, emergency response, or operational reasons. This will be at the cost of the vessel owner.

5. Environmental protection and pollution response

5.1 No rubbish, fish waste, bait, sewage, greywater, solvents, paints, oil, diesel, fuel, chemicals, contaminants or other pollutants may be discharged, spilled, dumped, deposited, placed or released into the Inner Harbour or onto any wharf, pier, catwalk or Council structure except where lawfully permitted. For avoidance of doubt solvents, oil, fuel, chemicals, batteries, and other hazardous items must not be disposed of in any council provided rubbish bin. To find out the correct places/way to dispose of your items visit our A-Z Waste Guide Waste Guide | Napier City Council
5.2 The discharge of contaminants into the sea or coastal marine area is prohibited except as permitted by law. The discharge of untreated sewage is prohibited in circumstances where the Resource Management (Marine Pollution) Regulations 1998 prohibit it, including within 500 metres of the shore or marine farm and in water depths of less than 5 metres.
5.3 Vessel owners and harbour users must manage waste, fuel, bait, bilge water, oils, chemicals and maintenance materials so that no environmental harm, odour, vermin attraction, sheen, residue or nuisance is caused.
5.4 If any spill, leak, discharge or contamination event occurs, the responsible person must immediately:

- notify the relevant authority, including the Hawke's Bay Regional Council pollution hotline 0800 108 838, and notify Council as soon as practicable;
- take immediate steps to contain, recover and clean up the spill or contamination at that person's cost; and
- comply fully and immediately with all directions from Council, the Harbourmaster and any other relevant authority.

5.5 Costs incurred by Council in responding to, containing, cleaning up, remediating or managing an environmental incident caused by a vessel owner, berth holder or harbour user may be recovered from that person.
HBRC Marine Pest Rules can be found here Marine Pests | Hawke's Bay Regional Council

6. Commercial operations

6.1 Commercial vessel is defined as is any vessel that regularly carries passengers or cargo for reward or is registered as a commercial vessel with Maritime NZ. A recreational vessel is one that is not defined as Commercial.

6.2 Commercial operators must comply with all legal requirements that apply to their operations, including any Maritime New Zealand requirements, health and safety requirements, and any Harbourmaster rules, directions or notices.
6.3 Commercial operations may only be carried out from areas approved for that purpose and in the manner directed by Council or the Harbourmaster.
6.4 Council may place limits on berth duration, loading activity, vessel movements, timing, discharge operations, parking, access, fish handling, or any other aspect of commercial operation in the interests of safety, environmental protection or harbour management.
6.5 Council may require a commercial operator to provide information about its vessel, operation, crew, safety management, insurance, incident history, certificates, or compliance status.
6.6 Council may suspend a commercial vessel's use of a berth or area immediately if Council reasonably considers continued operation presents a safety, environmental, structural or regulatory risk.

7. Insurance and evidence of compliance

7.1 Vessel owners must maintain any insurance required by their Licence to Occupy, by Council policy, or by any applicable law or operational requirement.
7.2 Insurance policies must have a minimum of $5,000.000.00 (Five million dollars) Public Liability Insurance.
7.3 Council may require evidence of current vessel insurance, public liability insurance, electrical compliance, seaworthiness, registration, antifouling status, biosecurity compliance, and any other relevant compliance document at any time.
7.4 Council may suspend access to a berth or Inner Harbour facilities where required evidence has not been provided to Council's satisfaction.

8. Liveaboards, power and harbour infrastructure

8.1 Living aboard a vessel is not permitted unless Council has expressly approved it and any additional conditions for liveaboard use are complied with.
8.2 Users must not overload or misuse Council power, water or other infrastructure. Council does not accept responsibility for losses, breakdowns or inconvenience arising from interruption, failure or restriction of those services except to the extent required by law.
8.3 Any vessel leads accessing shore power must have a current test & tag and leads/plugs be of sound condition with no damage or exposed wires.
8.4 Security gates must be kept closed at all times unless Council directs otherwise.
8.5 Users must not interfere with marine works, dredging, repairs, inspections, construction activity, contractors, or Council operations. Council may require temporary relocation of vessels for those purposes.

9. Notifications and administrative requirements

9.1 The berth holder must notify Council promptly if a berth is vacated, a vessel is sold or disposed of, contact details change, or any incident occurs that affects safety, navigation, environment, compliance or lawful use of the berth.

9.2 Council may verify email addresses, phone numbers and other contact details and may require updated information from time to time.
9.3 Failure to respond to Council requests for information, documents or compliance evidence may be treated as a breach of these Rules and of the Licence to Occupy.

10. Enforcement and consequences of breach

10.1 If these Rules are breached, Council may issue a warning, require the breach to be remedied, suspend access, direct relocation, recover, and pass on any costs associated with collection of the debt owed, authorise a third party collection agency to act on our behalf, or take any other action available under the Licence to Occupy or at law.
10.2 Council may terminate or revoke a berth licence, or refuse renewal, where there has been non-payment, non-compliance, unsafe conduct, unlawful activity, significant nuisance, environmental harm, or failure to comply with Council or Harbourmaster directions.
10.3 If a vessel is sunk, abandoned, unsecured, unsafe, obstructive, or not removed when required, Council may remove, store or dispose of the vessel and recover all associated costs from the berth holder, owner or other responsible person.
10.4 Compliance with these Rules does not limit any enforcement power available to Hawke's Bay Regional Council, Maritime New Zealand, the Harbourmaster, Ministry for Primary Industries, New Zealand Customs Service, New Zealand Police, WorkSafe New Zealand, or any other regulatory authority.

11. Publication and updates

11.1 These Rules and Regulations may be amended, replaced, supplemented or reissued by Napier City Council from time to time.
11.2 The current version will be published on Council's website and/or made available by Council on request.
11.3 Continued use of the berth or Inner Harbour after notice of an updated version has been given or published constitutes acceptance of the updated Rules to the extent permitted by the Licence to Occupy, and applicable laws.

Helpful Links and Reference Documents

- Napier City Council Berthage Licence to Occupy
  - About the Inner Harbour | Napier City Council
  - Fees & Charges | Napier City Council
- Any site-specific Harbour maps, berth maps, loading plans or operational notices published by Council from time to time
  - About the Inner Harbour | Napier City Council
  - Inner Harbour | Connect Napier
- Hawke's Bay Navigation Safety Bylaw 2024
  - Navigation Safety Bylaw | Hawke's Bay Regional Council
  - Maritime-Transport-Infringement-Fees-for-OffencesHawkes-Bay-Regional-Council-Navigation-and-Safety-Bylaw-2018-Regulations-2019.pdf
- Current Harbourmaster Directions and Notices (including any Ahuriri Inner Harbour direction or exclusion zone notice)
  - Harbourmaster Directions and Notices | Hawke's Bay Regional Council
- Hawke's Bay Regional Council Report a Marine Oil Spill

    - Marine oil spills | Hawke's Bay Regional Council
- Report an Incident
    - Harbourmaster Incident Report | Hawke's Bay Regional Council
    - Incident notification - Maritime NZ
- Any Maritime New Zealand requirements applicable to the vessel or operation
    - MaritimeNZ - Maritime NZ
- Maritime Transport Act 1994
    - Legislation we administer - Maritime NZ
    - Maritime Transport Act 1994 | New Zealand Legislation
- Health and Safety at Work Act 2015
    - Health and Safety at Work Act 2015 | WorkSafe
    - Health and Safety at Work Act 2015 | New Zealand Legislation
- Maritime New Zealand HSWA Guidance
    - Guidance for maritime sectors - Maritime NZ
- Resource Management Act 1991
    - Resource Management Act 1991 | Ministry for the Environment
    - Resource Management Act 1991 | New Zealand Legislation
- Resource Management (Marine Pollution) Regulations 1998
    - Marine pollution regulations | Ministry for the Environment
    - Resource Management (Marine Pollution) Regulations 1998 | New Zealand Legislation