

PORT OF
TAURANGA



Port for the Future >>>
www.port-tauranga.co.nz

Port User Operating Rules



1. PORT USER OPERATING RULES

- 1.1. Port of Tauranga Limited (POTL) owns and operates the Port of Tauranga, whose property is defined on the plan attached. These rules cover all POTL land, as defined on the plan and, in particular, cargo operations carried out within the confines of POTL's Customs Controlled Area (CCA). This includes the supply of information for all cargo transiting the POTL CCA. Where areas are subject to a lease agreement with POTL, then the lease agreement terms shall take precedence over these rules if they are in conflict.
- 1.2. The POTL premises are private property and these rules are to provide for port users, to access and work within the property of POTL under conditions acceptable to POTL.
- 1.3. The mutual interests of the port user and POTL are reflected in the outcomes being sought from these operating rules, including:
 - 1.3.1. Safe and efficient utilisation of POTL assets and infrastructure;
 - 1.3.2. Compliance with all regulatory requirements and obligations inclusive of New Zealand Customs Service, MAF Biosecurity and POTL's own requirements to meet their obligations under any required legislation;
 - 1.3.3. Provide POTL with information required to ensure regulatory compliance;
 - 1.3.4. Ensure environmental responsibilities either regulatory or those required by POTL are maintained and adhered to;
 - 1.3.5. Ensure the ability to load and unload ships and maintain other port operation related activities 24 hours per day, seven days a week;
 - 1.3.6. Define responsibilities and respective liabilities.
- 1.4. The nature of the business of POTL means that all port users shall accept concurrent multiple use and co-operate with other port users to operate safely and efficiently. These rules do not grant exclusive rights to one port user to the exclusion of other port users.

2. Port of Tauranga Limited will:

- 2.1. Within its capacity provide the berth, hardstand and land (determination of land supplied at the sole discretion of the POTL) upon which the port user may work.
- 2.2. Allow the port user access to POTL for the purpose of carrying out port related activities and allow the use of common user areas in conjunction with other users including POTL, subject to compliance with the operating rules.
- 2.3. At its sole discretion, deny access to any port user who fails to comply with the operating rules. These include, but are not restricted to, regulatory compliance, security, traffic, health and safety management plans, code of conduct or any other rule outlined or those subsequently implemented by POTL and notified to port users.

3. The port user company will:

- 3.1 Ensure that labour contracts provide for 24 hour per day, seven day a week operation for the loading and unloading of ships, and for other port related activities which may require "out of normal work hours" functions for overall port efficiency.

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- 3.2. Efficiently utilise the open and undercover cargo storage space as allocated by POTL.
 - 3.3. Ensure timely removal of all waste created by the port user (unless otherwise agreed with POTL) from their allocated operational area.
 - 3.4. Comply with all load-bearing and/or other operational restrictions imposed by POTL with specific reference to parts of POTL, as shown on the attached plan. To ensure compliance, port users must register all cargo handling plant with POTL for POTL's approval prior to use on any wharf structure. In so registering, the port user must supply details of safe working load (SWL), maximum axle loads, pad loads and footprint configurations.
 - 3.5. All equipment and plant is to be clearly marked with the owner's name.
 - 3.6. Ensure that all equipment and plant used for cargo handling is removed from common user areas immediately after use, to allow other port users unobstructed access to, and use of, operational areas.
 - 3.7. Equipment and plant is maintained in a safe operating condition and removed from the wharf operating area when conducting maintenance work.
 - 3.8. Ensure portable amenities used on wharf are situated in such a position to allow clear and unobstructed movement of mobile plant along the wharf face.
 - 3.9. Ensure port user staff uses either the toilet facilities provided by POTL or portable toilet facilities provided by the port user.

4. Regulatory & Legislative Requirements

The port user company will:

- 4.1. Comply with the provisions of all regulatory acts and legislation relating to the port users operation and activities whilst on POTL premises including any regulations, codes or subsequent guidance issued under such acts. These acts include but are not limited to:
 - 4.1.1. Health & Safety at Work Act 2015
 - 4.1.2. Building Act 1991;
 - 4.1.3. Hazard Substances and New Organisms Act (HSNO) 1996;
 - 4.1.4. Customs & Excise Act 1996;
 - 4.1.5. Customs Trade, Partnership against Terrorism (C-TPAT);
 - 4.1.6. International Ship and Port Facility Security (ISPS) Code;
 - 4.1.7. MAF Biosecurity Act 1993;
 - 4.1.8. Maritime Transport Act 1994;
 - 4.1.9. Resource Management Act (RMA) 1991. Inclusive of any operative regional or district plan in respect of POTL, land/premises and any direction from POTL in respect of POTL's obligations under the RMA and district/regional plan.

5. Health & Safety

The port user company will:

- 5.1. Utilise Safe operational and general work practices and comply with the Health and Safety at Work Act 2015 and associated Regulations;
- 5.2. Maintain auditable procedures that comply with the requirements of this Act and/or Regulations;
- 5.3. Maintain a Drug and Alcohol Policy acceptable to the Port of Tauranga Limited;
- 5.4. Maintain a Code of Conduct acceptable to the Port of Tauranga Limited.

6. Port Access

The port user company will:

- 6.1. Comply with security arrangements, including having completed an induction process for access to the port area as determined by the POTL. This includes complying with requirements under respective legislation inclusive of C-TPAT and ISPS Code requirements.
- 6.2. Comply with all traffic management rules whilst on all POTL premises inclusive of adhering to set speed limits as marked on roadways, using only designated parking and storing vehicles in the allocated areas as determined by the POTL.

7. Supply Of Information to POTL

The port user company will:

- 7.1. Supply POTL with information relative to cargo operations required by POTL to meet all regulatory requirements and POTL's own internal requirements in a timely manner;
- 7.2. Supply POTL with an accurate vessel cargo exchange summary at the earliest possible opportunity on completion of vessel exchange. It is expected that this information will be exchanged electronically.

8. Wi-Fi and radio frequencies

The port user company will:

- 8.1. Ensure radio frequencies do not interfere with existing frequencies utilised by the POTL, border security agencies or existing port user frequencies;
- 8.2. Ensure the introduction of any Wi-Fi (broadband) or other wireless networks do not interfere with existing networks utilised by POTL and must gain prior approval from POTL to install equipment or utilise intended frequencies.

9. Indemnification:

The port user company will:

- 9.1. Indemnify POTL against all claims, proceedings or losses arising from any acts or omissions of the port user whether relating to POTL or any other person.
- 9.2. The port user shall take out insurance policies of an amount to be reasonably determined by POTL, to cover as far as may be legally possible the indemnities included in clause 9.1, and shall provide evidence of such insurances if so requested by POTL.

10. Force Majeure:

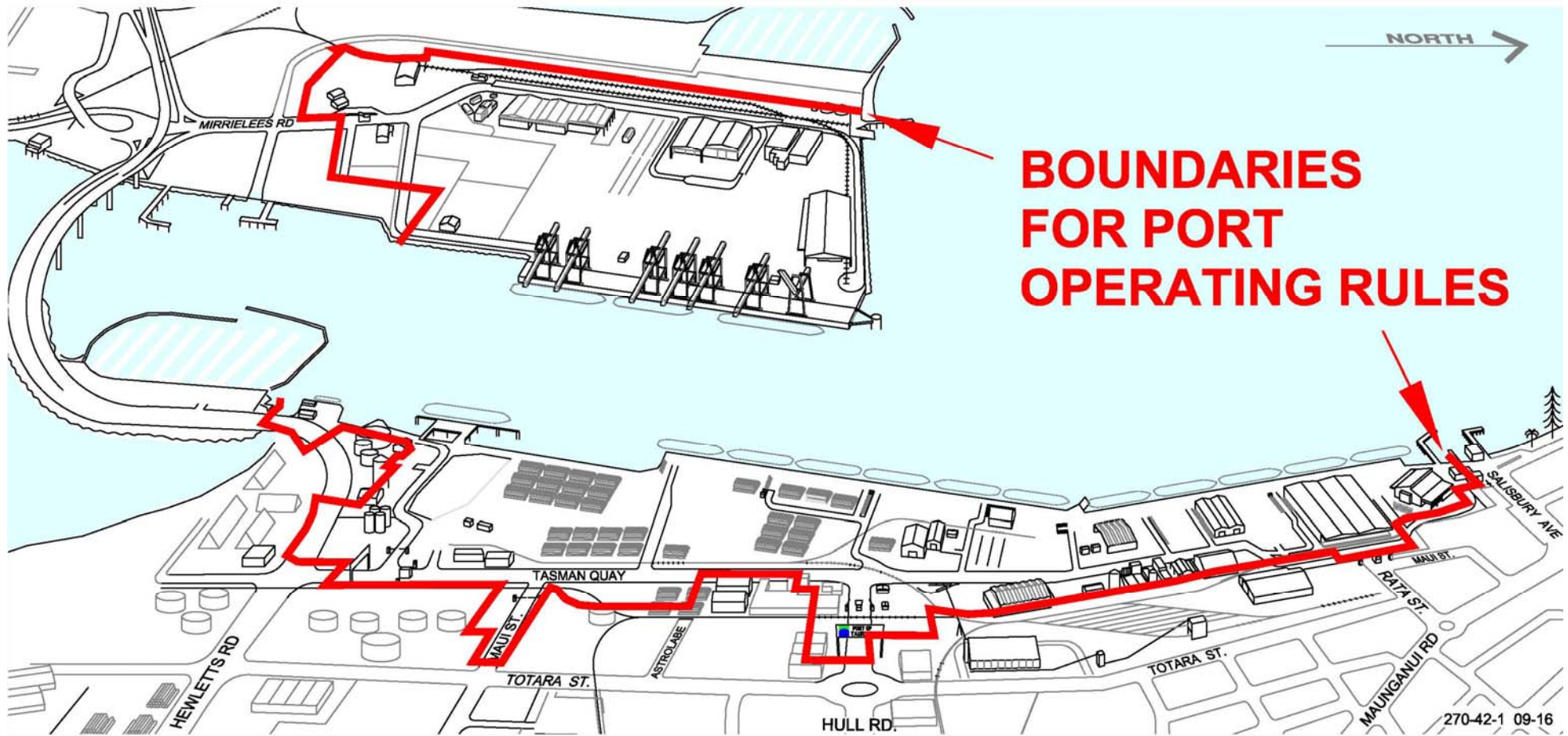
- 10.1. POTL shall not be held responsible in any way for any loss or damage arising out of a suspension of services resulting from any Act of God, strike, lock out, industrial dispute, or any other issue outside of the control of POTL.
- 10.2. POTL may amend these rules at any time. Notice of such changes will be provided when appropriate and practicable to do so. When such changes are made, thirty (30) days notice of any change to these rules will be provided.
- 10.3. Anything not covered in the above rules is deemed to fall under the jurisdiction of the existing POTL standard terms and conditions.

DEFINITIONS:

The definition of POTL's premises is all that area of land and structures thereon as shown on the **attached** plans.

ATTACHMENTS:

Plans



**BOUNDARIES
FOR PORT
OPERATING RULES**