



KENNEDY POINT MARINA
WAIHEKE ISLAND

Compliance
Monitoring Certified



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CST60082321
Certifier: Yashika Joshi
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Marina Management Plan
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Defined terms

Council	Auckland Council.
Marina	means the marina and related facilities constructed by KPBL at Kennedy Point Bay, Waiheke Island.
Resource Consent	means coastal permit CST60082321-B.

Acknowledgments

This Marina Management Plan (**MMP**) has been prepared by Kennedy Point Boatharbour Limited (**KPBL**) in collaboration with various technical specialists as summarised below:

Contributor	Personnel	Input
4sight Consulting	Peter Wilson and Cat Davis	Consultant for the Pest Management Plan, which contributes to the management of pest control and waste management
BlueGreen Ecology Ltd	Dr Leigh Bull	Consultant on the Little Blue Penguin Predator Control and Monitoring Plan
Marshall Day Acoustics Limited	Craig Fitzgerald	Noise Management Plan, which contributes to the Marina Rules etc
Kennedy Point Boatharbour Limited	Deane Ingram and mark Schmack	Emergency Response Plan; Navigation Safety Plan

1. INTRODUCTION

Condition 97 the Resource Consent authorising the operation and ~~maintenance of the~~ marina at Kennedy Point requires KPBL to prepare and submit a Marina Management Plan (**MMP**) for approval by the Council before any vessels are berthed at the completed marina.

The MMP is intended to address matters relating to the day-to-day operation of the marina. The matters addressed and where they are covered in this MMP are set out below:

(a)	Oil Spill Contingency Plan.	Section 2 – Oil, Fuel & Other Spills Plan
(b)	A Fire Contingency Plan.	Section 3 – Fire & Emergency Response Plans
(c)	The refuse, recycling and waste oil collection facilities to be provided for marina berth users, including their location and the frequency of servicing.	Section 4 – Rubbish, Recycling & Waste Oil Facilities
(d)	The provision for and location of storage and loading facilities and any associated equipment.	Section 5 – Storage & Loading Facilities
(e)	The management of public access to the marina structures during daylight hours (by reference to the occupation zones referred to in condition 112).	Section 6 – Management of Public Access
(f)	The provision of vermin-proof refuse and recycling storage and collection facilities serving the marina.	Section 4 – Rubbish, Recycling & Waste Oil Facilities
(g)	Measures to trap, poison or use other suitable methods to control pests (cats, rodents, mustelids) at the marina access.	Section 7 – Marine & Terrestrial Pest Management Plan
(h)	Measures to ensure that all dogs accessing the marina are under control/leashed at all times.	Section 8 – Control of Dogs
(i)	Measures (e.g., signage, advice) to ensure vessels accessing the marina at dawn and dusk do so with special care to avoid collisions with Little Blue Penguins.	Section 9 – Care around Kororā
(j)	Implementation of the Marina Rules.	Section 10 – The Marina Rules

The Resource Consent also requires other management plans to be prepared and approved prior to opening that relate to other day-to-day operational and ongoing

monitoring matters. These plans have been prepared contemporaneously so that they can inform and be integrated within it as necessary. The additional management plans are

Condition 90 Pest Management Plan (refer Marine & Terrestrial Pest Management Plan (**Section 7**))

Condition 93 Noise Management Plan (**Section 11**).

Condition 95 Navigation (Risk & Safety) Assessment and Safety Management Plan (**Section 12**).

Condition 118 Little Blue Penguin (Korora) Predator Control & Monitoring Plan (refer Korora Predator Control & Monitoring Plan (**Section 13**)).

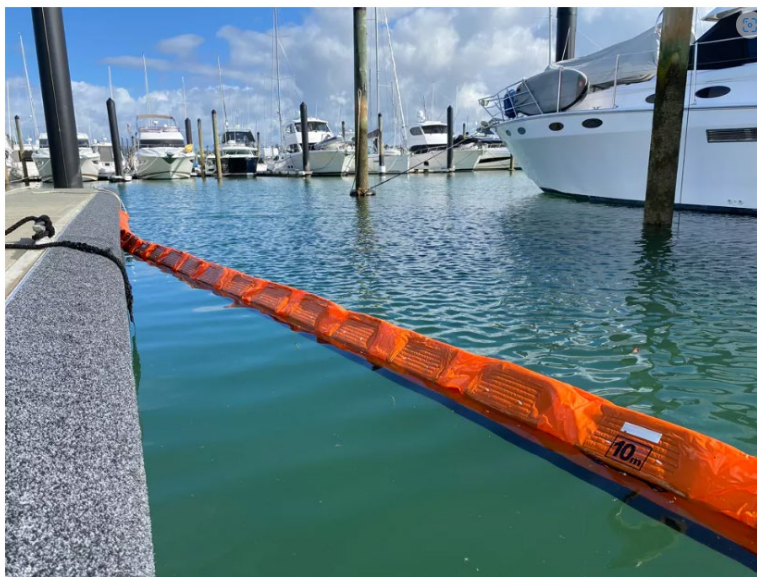
2. OIL, FUEL & OTHER SPILLS PLAN

The marina will maintain spill response equipment to ensure that any oil, fuel or other spills within the marina waters or on marina structures are contained and cleaned up as soon as possible following detection.

Spill Response Equipment

Spill response equipment will be kept at the marina as follows:

- 30m length of Rapid Boom – a rapid portable deployment boom for water oil spill containment. The booms are kept in 240l wheeled bins in the marina office and can be quickly taken to oil spill locations in the marina for deployment and containment.



- Spill response kits containing specialized absorbent equipment for containment and absorption of oil and other hydrocarbon spills on marina surfaces and in marina waters. These kits will be kept centrally in a secure Emergency Equipment Store (refer Fire, Spill and Emergency Response Plan in Schedule 1).



Oil absorbent cloths



Oil absorbant floating booms

In addition, for spills on boats, boat owners will be encouraged to refer to the Maritime NZ document entitled “Every Drop Counts” which sets out measures to control oil and fuel spills on boats and other matters.¹ Note, there are no refueling facilities available in the marina and no fuel products will be kept on site.

Emergency Procedure for Spills

All persons within the marina (whether they are berth holders or not) will be directed by signage to report any spills to the marina Manager at the marina office as soon as they are detected. Marina staff will be trained to respond to spills with suitable spill response equipment employing the following procedure:

- A. Ascertain type of spill (i.e., diesel, petrol, oil, sewerage or other). Ascertain extent of damage and formulate strategy to make good.
- B. Ascertain source of spill and stop further spillage if possible. If petrol, remove all sources of ignition.
- C. Contain spill by using Rapid Boom and Pads from spill kit in the Emergency Equipment Store. Collect material still flowing using rags, booms or bucket, etc. if safe to do so.
- D. If the spill is large or of other concern, advise the Harbourmaster on 09 362 0397 ext 0, email: harbourmaster@at.govt.nz. All copies of spill drills to be sent to them. Consider contacting the Pollution Control Hotline (09) 377 3107 if spilled material will leave a residue (e.g., ecotoxic or toxic).
- E. If spill is on a vessel or pier and is petrol or similar explosive material, clear the area of any unnecessary persons.
- F. Dispose of contaminated materials in appropriate receptacles. Do not place in bin with other combustible materials.
- G. Monitor until situation is resolved.

Note: Spill kit is located in the yellow storage container in the Emergency Equipment Store (refer Fire, Spill and Emergency Response Plan in **Schedule 1**).

¹ <https://www.maritimenz.govt.nz/content/recreational/the-basics/documents/Every-drop-counts.pdf>

3. FIRE & EMERGENCY RESPONSE PLANS

The marina will maintain suitable firefighting equipment at designated locations and ensure that marina staff and berth holders are trained to use it. The firefighting equipment, design and location has been approved by Fire & Emergency New Zealand (FENZ) (refer **Appendix A**).

Firefighting equipment

For first response (able to be used by marina staff and marina users), 17 fire hose reels will be located throughout the marina so that each hose covers a 30m arc of marina structures and vessels as shown on Figure 1.

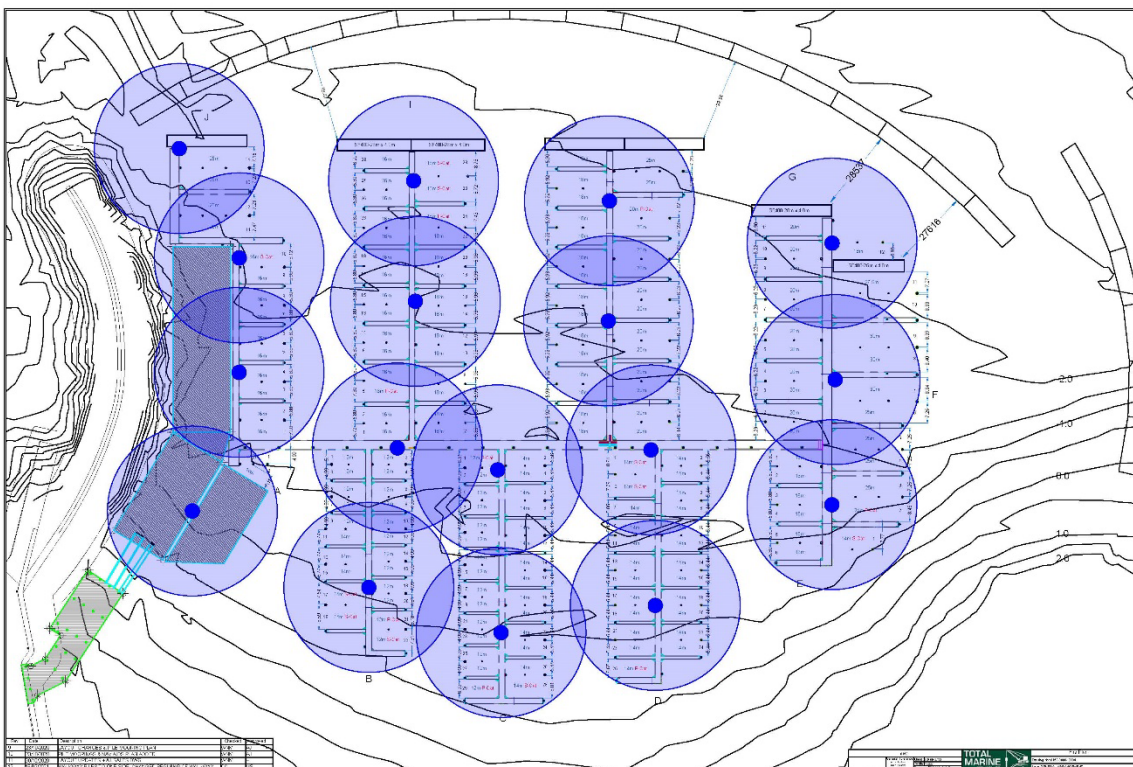


Figure 1

Fire extinguishers will also be located at each of these hose reel stations together with emergency call buttons (see below).

The hose reels will be pump fed with salt water, with the pump/s sized to supply at a minimum water flow rate of 0.63 L/s at a running pressure of not less than 275kPa. The pump/s will be centrally located on the marina carpark (refer Fire, Spill and Emergency Response Plan in Schedule 1) and will start automatically when a hose is opened.

The hose reels will be able to be flushed with fresh water after use and will be stored in this manner. The pump/s will be serviced and maintained as per manufacturers requirements and taking into account the environment in which they will be working. The pump/s will be tested monthly to ensure operability.

For second response (if required) (there will be 3 portable pumps also centrally located at on

the marina carpark (refer Fire, Spill and Emergency Response Plan in Schedule 1), which will be operable by FENZ upon arrival to site. As FENZ require two hoses to be operational to fight fire at any one time, a third pump is provided for a standby in case of servicing or failure to operate. A copy of the Fire, Spill and Emergency Response Plan will be notified to the FENZ prior to opening of the marina.

The portable pumps will be incorporated into custom manufactured trollies able to be moved throughout the marina. They will be electric start and self-priming, with a rigid pickup/suction hose. The flow rate for the pump outlet is 450L/min at a minimum of 600kPa. The outlets will be fitted with FENZ approved 'female instantaneous couplings'.

In the event of a fire, marina staff, who will be trained in the setup and operation of this equipment, will set up the pumps at suitable locations and have them started and primed ready for FENZ teams to operate.

The portable pumps will be maintained per the manufacture's requirements and tested monthly to ensure operability.

Emergency Call Stations

To ensure that fires or other emergencies detected in the marina are reported to marina staff without delay, emergency call buttons are located on each of the 17 hose reel/extinguisher stations. When activated, an alert will be conveyed immediately to the marina Office to enable the quickest response possible to the fire or emergency.

Refer to the Fire, Spill and Emergency Response Plan in Schedule 1 for locations.

Emergency Procedures

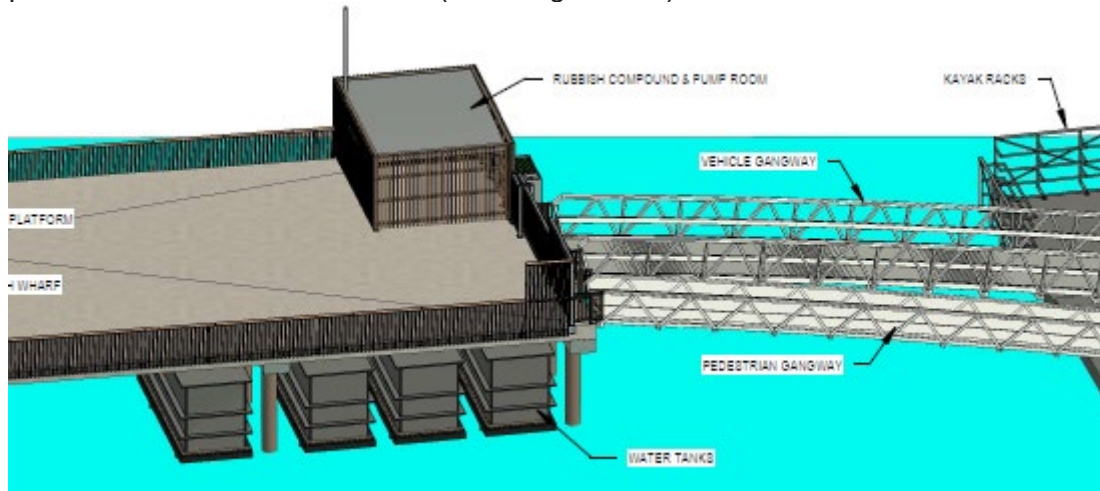
Emergency procedures have been developed for the following potential emergency situations at the marina:

- A. *Fire on a berthed vessel***
- B. *Fire on the marina carpark/other structures***
- C. *Fire at the marina office***
- D. *Vessel sinking within the marina***

These procedures are included in **Appendix B**.

4. RUBBISH, RECYCLING & WASTE OIL FACILITIES

Waste (rubbish and recycling) generated by users of the marina will be collected into a purpose-built structure on the wharf (see image below):



Access to the rubbish compound will be available for berth holders on a controlled, user pays basis. Within the compound will be standard 240l bins, colour-coded for recyclables and landfill waste streams. These bins will be removed and emptied to licensed disposal facilities on a regular basis. Non-berth holder rubbish (e.g., collected from the public rubbish bins to be provided (see below)), will also be placed in the bins in the rubbish compound by marina staff prior to removal off site.

The overall policy with respect to waste generated by marina users is that they should take it home. This is why it is intended to charge users to leave their rubbish at the marina for disposal and promote a 'zero' litter policy, to the extent that is practicable. This policy flows through to Marina Rules 5.3 and 5.4 (refer **Appendix C**).

Two dual-waste stream rubbish bins (recyclables and landfill) for public use will also be available at the marina. One will be located near the public café for convenience. The other will be located close to the access point onto the launching pontoon.

RUBBISH COLLECTION EXAMPLE



Under the marina berth Licences, compliance with the Marina Rules is a condition of the Licence. Rules 5.3 and 5.4 require all litter to be contained, collected and disposed of responsibly into the rubbish facilities provided.

All visitors to the marina that are not licensed berth holders will either be required to adhere to the Marina Rules by way of contract (i.e., as a condition of entry and/or use of the facilities), or implied licence whereby admission to the marina is allowed subject to compliance with health, safety and other rules of conduct. These rules will be displayed at the entry to the marina and will include rules against littering and polluting the marina, and requiring rubbish bins to be used. The two public rubbish bins are to be provided for this use.

Marina staff will be tasked daily with inspecting all of the marina facilities and collecting any rubbish etc. left unattended, as well as emptying the public rubbish bins. Rubbish and recycling collected into the rubbish compound will be cleared by a local removal contractor weekly during off-peak times (May to October), and up to 2 or 3 times (depending on demand) over the busier peak season (November to April). Marina staff will be tasked daily with inspecting the rubbish compound and determining whether additional unscheduled removals are required.

Waste Oil Collection

As part of its 'no-waste' and environmental policy, KPBL does not propose to provide facilities for waste oil collection, storage and off-site disposal. In addition, under its Berth Licence terms cl 11.6 does not allow any maintenance to be undertaken on vessels while moored in the marina without marina Manager approval. The Marina Management Policies exclude the following from the definition of 'maintenance' for the purposes of this clause:

- interior cleaning.
- exterior cleaning (with approved products and in accordance with the Marina Rules).
- maintenance work that does not generate loud noise, dust or debris, or involve hot work, painting, sanding, grinding, height work or engine service work.

Permission for all non-excluded maintenance work, including any engine work, will be allowed on a case-by-case basis, but in all cases, any work resulting in the production of waste oil will require the owner/contractor to remove it from site to a licensed disposal facility. This will be required as a condition of all engine maintenance work.

5. STORAGE & LOADING FACILITIES

The following storage and loading facilities will be provided at the marina.

Loading

The primary loading and un-loading zone for service vehicles is located on the marina wharf. This area will be used by vehicles picking up wastewater and rubbish/recycling for off-site disposal; or delivering goods to the marina in vehicles unable to use the marina vehicle gangway (due to weight and width restrictions).

Marina users wishing to load goods and equipment from their vehicles to their vessels (or vice versa) will be able to do so directly from/to the marina carpark. Marina trolleys will be kept on the marina carpark structure and within the marina generally.

Storage

The marina provides storage facilities for kayaks and stand-up paddleboards (SUP) which are able to be used for a small fee. Bike stands are also provided on the car park pontoons, clear of the pedestrian access gangway and car parks for unobstructed access.

6. MANAGEMENT OF PUBLIC ACCESS

Pursuant to conditions 3 and 97(e), public access around the marina and its structures is to be provided in accordance with conditions 111 and 112.

The Marina Occupation Plan (Figure 2), and condition 112 sets out various zones within the marina where public access is preserved (and the conditions of that access), and zones where there is no public access allowed (i.e., KPBL has exclusive coastal occupation rights).

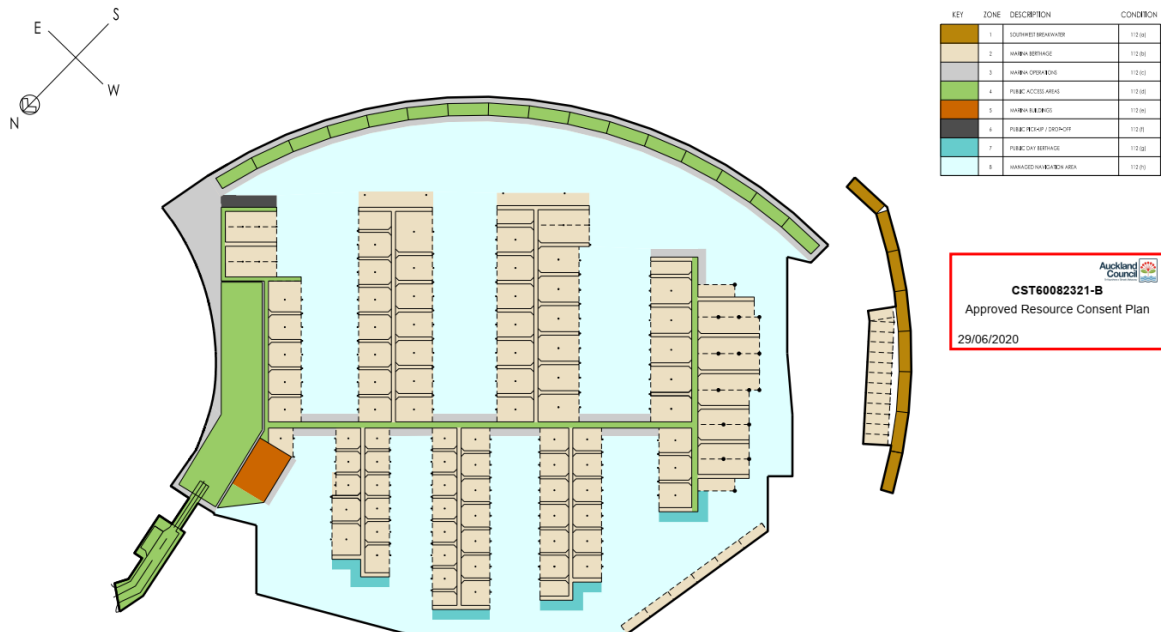


Figure 2 – Marina Occupation Plan

Zone 1 – Southwest Attenuator

For health and safety reasons there is no public access to or use of the Southwest Attenuator at any time. Signs will be installed advising “no mooring allowed”. The Marina Manager will monitor use of this structure and require any persons observed using it to leave immediately.

Zone 2 – Marina Berth Areas

The marina berth areas are licensed by KPBL to berth holders for their exclusive use and enjoyment. No public use of the marina berth areas is allowed at any time, unless allowed by KPBL under the provisions of the berth licence.

Zone 3 – Marina Operations Areas

The designated Marina Operations Areas are exclusive use areas within the marina for marina operations activities (i.e., short term moorage of vessels), except that the southern side of the Southeast Attenuator must not be used for boat mooring and use of the other operations areas for the berthing of individual boats cannot be for more than 30 days at a time.

No use of these areas by the public for boat mooring etc., is allowed except with KPBL’s express agreement.

Zone 4 – Access Wharf, Pontoon, Launching Deck, Marina Pier, and Southeast Attenuator

Access wharf

The marina access wharf will be accessible by vehicle, foot or other personal mobility device directly from Donald Bruce Road at all times, even though access down into the marina over its vehicle and pedestrian gangways will be time restricted to daylight hours. Access onto the wharf would only be limited in the event of dangerous, offensive or objectionable use by a member of the public, or to persons damaging or defacing (or intending to damage or deface) the wharf and its facilities.

Carpark and office pontoon, launching deck, marina pier

Under the Resource Consent “Daylight Hours” for the purposes of public access are described as 6am to 8pm during Daylight Savings Time (DST), and otherwise between 7am to 5pm. For health and safety reasons (i.e., variable natural light during 6am to 7am during DST), it is proposed to standardize the opening time for public access into the marina to 7am all year round.

During these hours public pedestrian access will be allowed via the pedestrian gangway onto the marina carpark, office and café pontoon, adjacent launching deck and the main marina pier. The public pedestrian routes are shown in blue below.

Public access into the marina with a bicycle will also be allowed during opening ours except that bicycles will need to be pushed when in the marina, not ridden, and not taken onto the office pontoon, launching deck and main marina pier for health and safety reasons. Bicycle stands are provided along the length of the carpark for bicycles to be securely left unattended.

During opening hours public access by vehicle to the marina carpark (via the vehicle gangway) will also be allowed, including to park in one of two designated parking areas.

2-Hour parking: Six, 2-hour free, carparks have been designated for marina visitors and users of the café etc. These are located on the first carpark pontoon. Use of the carparks will be monitored by way of licence plate recognition. If a vehicle is parked in one of these spaces for a period exceeding 2-hours, they will be prompted to pay a parking fee on departure and will need to do so in order to exit the carpark. The parking fee payable will deduct the 2-hour free entitlement. The marina parking fees are set out below.

Paid daytime parking: 32 of the 64 other carparks at the marina will be available for public parking on a user pays basis. These carparks are located along the breakwater side of the carpark. Use of these carparks will be monitored by way of licence plate recognition. Upon departure, the system will prompt the user for payment of the parking fee. The fee will need to be paid in order to exit the carpark.

The marina parking fees are set out below.

Marina Parking Fees		
	2-hour Free	Other
0-30mins	-	\$6
30-60mins	-	\$12

60-90mins	-	\$18
90-120mins	-	\$24
120-150mins	\$6	\$36
thereafter	\$6 per 30 min or part thereof up to a maximum of \$60.	

Public vehicle access to the carpark will close at the end of Daylight Hours.

Any public vehicles left in the marina carpark on closing will incur an additional 'Late Release' fee of \$75 for after-hours access to retrieve their vehicle.

Restrictions on access: The marina Manager may close pedestrian and/or vehicle access onto these marina structures in the event of dangerous weather conditions, emergency at the marina, where maintenance is required to the structures in question, or for other public health and safety reason.

Southeast Attenuator

Due to the differential roll and movement of the individual pontoon units comprising the Southeast Attenuator, and the numerous trip, fall, slip and injury hazards present along the length of this floating structure, unsupervised public pedestrian access onto it is not feasible for public health and safety reasons. KPBL is presently investigating options to manage these multiple hazards in a way that might still enable some form of supervised access at suitable times. Until this analysis is complete and the options identified, access onto the Southeast Attenuator will be restricted to marina staff and other personnel for maintenance purposes only.

Zone 5 – Marina Buildings

There is no right of public access to the marina office building (including its toilets etc), or the marina café/meeting space, except with the permission of KPBL or, in the case of the latter, the permission of KPBL's authorised agent or tenant. The right of KPBL (or its authorised agent or tenant to revoke any implied right of admission by opening the buildings to the public is expressly reserved. Notwithstanding that reservation, it is intended that the marina office will be open for visitors during Daylight Hours, and the marina café/meeting space will generally open for normal hospitality hours.

Zone 6 – Public Drop-Off/Pick-Up Berth

Public drop-off/pick-up berthage is available on the seaward edge of J Pier to load and unload passengers and goods where this is associated with recreational boating activity. Pedestrian access to and from the public berth will be available from Donald Bruce Road over the marina wharf, gangway, carpark and piers during Daylight Hours.

Access for visiting boats will also generally be restricted to Daylight Hours and will be available on the following conditions:

1. Boat skippers must first advise the marina office their intended entry into the marina to tie-up at the public berth and expected time of use.
2. Boats must not be left unattended at any time while tied-up on the public berth.

3. Maximum tie-up time for pick-up/drop-off is 15 minutes; or 30 minutes if the boat is using the sewerage pump-out.
4. Boat operators and guests must observe all Marina Rules and signage at the berth while within the marina.

Commercial passenger boats, such as charters and water-taxis will only be permitted access to the public berth for the purposes of loading and unloading passengers and goods if KPBL has agreed to this use prior to their arrival.

8.7 Zone 7 – Day Berthage Area

Day berthage areas have been provided at the end of B, C, D and E Piers for individual boats to occupy for no more than 72 hours at a time (except in cases of emergency or vessel disablement). KPBL has exclusive rights to allow the use of these berth areas and no public use of them is allowed at any time, except with the agreement of KPBL.

8.8 Zone 8 – Navigation

Zone 8 is accessible by the public, whether by vessel, personal watercraft (i.e., jet ski or kayak) or by swimming. Following a Navigation (Risk & Safety) Assessment, KPBL has prepared a Navigation Management Plan that applies to all marina users (refer Section 13 of this plan).

To manage the potential risks of boating activity in Zone 8 that is not otherwise under the control of the marina, KPBL will encourage (through signage and education) all small boat activities to occur in the water space between Zone 8 and the shoreline (with the marina's pile moorings being the visual delineator).

With regard to Zone 8, the following rules will apply (to all vessels and persons):

- All vessels shall observe a Speed Limit of 5 knots maximum and ensure that their vessel does not create a wake.
- No vessels shall sail in the zone.
- No person shall fish in the zone.
- No person shall swim in the zone.
- No vessel shall anchor in the zone.
- All vessels proceeding along the course of a narrow channel or fairway must keep as near to the outer limit of the channel or fairway which lies on its starboard side as is safe and practicable.
- No person in charge of a recreational vessel may use it unless there are on board at the time of use, and in a readily accessible location, sufficient personal flotation devices of an appropriate size for each person on board. This includes Stand up Paddleboards (SUPs) and kayaks.
- A vessel of less than 20 metres in length must not impede the passage of a vessel which can safely navigate only within a narrow channel or fairway.

- A vessel must not cross a narrow channel or fairway if such crossing impedes the passage of a vessel which can safely navigate only within that channel or fairway.

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Title: Marina Management Plan C99
Revision: Nov 23

7. MARINE & TERRESTRIAL PEST MANAGEMENT

A separate Marine & Terrestrial Pest Management Plan (**MTPMP**) has been prepared for the marina to address the requirements of condition 90. This is a separate document and will be maintained and reviewed separately as required according to its terms.

Where recommendations of the MTPMP intersect with this MMP (e.g., refuse facilities), they have been integrated where appropriate. Any future reviews of the MTPMP that result in changes to this MMP will be similarly integrated as necessary.

8. CONTROL OF DOGS

Marina Rule 8.1 restricts dogs from the marina, unless under effective control or otherwise restrained by way of chain, strap or lead.

The Marina Rules are included in **Appendix C**.

9. CARE AROUND KORORĀ

Marina Rule 11.5 states:

All persons navigating vessels into or out of the Marina at dawn or dusk shall maintain their vessel speed at no more than 5 knots within 50m of the entrance and be vigilant to avoid collision with penguins in the water as they do so.

The potential to encounter penguins in the vicinity of the marina entrance and the need to be vigilant particularly at dawn and dusk will be notified to all marina users on the marina's website. Graphic signage (as below) will also be placed in visible locations at the marina entrance.



10. IMPLEMENTATION OF MARINA RULES

Compliance with the Marina Rules will be achieved in the following ways for the different classes of marina users.

Berth Holders

Each berth holder has signed a Licence agreement with KPBL, which grants them a licence to use, occupy and enjoy their respective berths and to use and enjoy the marina's facilities and services on certain terms and conditions. One of these terms is that the berth holder, their guests, agents and contractors, must comply with the Marina Rules at all times and this includes special instructions issued by KPBL and/or its Manager in the case of emergencies.

A berth holder breaching the Marina Rules and failing to remedy that breach within a specified period will be in breach of their Licence, giving KPBL the legal ability to terminate and remove their vessel from the Marina. KPBL can also act as agent of the berth holder and remedy the breach of the Marina Rules, where necessary.

Persons renting berth space within the marina

All persons renting berth space (either serviced berthage, or un-serviced day-berthage) will be required to comply with the Marina Rules as a contractual condition of entry to and use of the marina's facilities and services. KPBL's terms of rental for berthage include the following requirements:

(Sub-licensees) Comply with Licence: *The Sub-Licensee shall comply with the terms and conditions of the Licence for the Berth and the Marina Rules as if they were the Licensee under the Licence.*

(Casual renters) Marina Rules: *During the Term you and your invitees agree and undertake to observe and comply with all applicable obligations in our Marina Rules a copy of which are available on the Marina website (www.kennedypointmarina.co.nz). Any breach of the Marina Rules during your stay may result in you being temporarily or permanently banned from entering the Marina in the future and providing details of your Vessel to the New Zealand Marina Operators Association.*

Boats using Pick-Up/Drop-Off Berth & Sewerage Pump Out; Pedestrian users

All other persons entering into the marina's occupation area, either by boat or on foot, bicycle, or car, must agree to comply with the Marina Rules as a condition of entry. KPBL will expressly reserve the right in all marina signage and notices to direct exit from the marina of persons failing to adhere to the Marina Rules at all times.

Rules required by Resource Consent

Condition 99 of the Resource Consent requires specific marina management requirements to be implemented via the Marina Rules. The following table identifies the condition requirements and where they can be found in the Marina Rules. A copy of the Marina Rules is included in Appendix E.

Condition Requirement	Marina Rule
A rule which enables exclusion from the marina of vessels or equipment which become advised to the consent holder by Council or a Government agency as known to harbour unwanted or risk species, until such vessels/equipment can be certified as having been appropriately treated	Rule 6.2
A rule which addresses restrictions on boat maintenance and repairs able to be undertaken within the marina	Rule 3.13
A rule which prohibits deliberate discharge of bilge water, fuel, sewage, waste oil and litter into marina waters	Rules 5.1 and 5.3
A rule which prohibits the cleaning of boat hulls within the marina	Rule 5.2
The measures to be taken to prevent halyard slap	Rule 12.3; Rule 19.1
A prohibition on the use of wind-driven electricity generators on all vessels whilst berthed in the marina	Rule 12.2
That trolleys shall be fitted with rubber tyres, wherever practicable	Rule 12.6
The management of lighting	Rule 12.7
Restrictions on people living on boats	Rules 3.11 and 3.12
A rule requiring berth holders in the marina not to use antifouling products incorporating the co-biocide diuron	Rule 7.1
A rule requiring berth holders to use low impact antifouling products such as non-copper, low copper formulation or low copper release antifouling paint (e.g., Petit Vivid low copper formula)	Rule 7.2 (see Anti-Fouling Policy in Appendix D)
Provision of information and advice to berth holders regarding all NZEPA directions concerning anti fouling paints on an ongoing basis	
Provision of information and advice to berth holders concerning the use and availability of best practice antifouling paints	
Compliance with the rules, and the mechanism(s) for their enforceability by the consent holder	Rules 19.1 and 20

11. NOISE MANAGEMENT PLAN

A separate Noise Management Plan (NMP) has been prepared for the marina to address the requirements of condition 93. This is a separate document and will be maintained and reviewed separately as required according to its terms.

Where recommendations of the NMP intersect with this MMP, they have been integrated where appropriate. Any future reviews of the NMP that result in changes to this MMP will be similarly integrated as necessary.

12. NAVIGATION (RISK & SAFETY) ASSESSMENT AND MANAGEMENT PLAN

A separate Navigation (Risk & Safety) Assessment and Management Plan (**NASMP**) has been prepared for the marina to address the requirements of condition 95. This is a separate document and will be maintained and reviewed separately as required according to its terms.

Where recommendations of the NASMP intersect with this MMP (e.g., controls on navigation in navigation occupation zone), they have been integrated where appropriate. Any future reviews of the NASMP that result in changes to this MMP will be similarly integrated as necessary.

13. KORORĀ PREDATOR CONTROL & MONITORING

A separate Kororā Predator Control & Monitoring Plan (**KPCMP**) has been prepared for the marina to address the requirements of condition 118. This is a separate document and will be maintained and reviewed separately as required according to its terms.

Where recommendations of the KPCMP intersect with this MMP, they have been integrated where appropriate. Any future reviews of the KPCMP that result in changes to this MMP will be similarly integrated as necessary.

14. CLEANING AND MAINTENANCE OF PUBLIC FACILITIES

The approved Public Facilities Plan (PFP) for the marina identified that a maintenance programme for all marina structures will be incorporated into the Marina Management Plan required by condition 97 and that this will include a regular cleaning and maintenance programme for all structures and public facilities described in the PFP.

All public facilities provided at the marina will be inspected and cleaned as necessary on a daily basis by marina staff to ensure they are all well-presented and accessible for use. Repairs and/or refurbishments will be undertaken as necessary. A regular cleaning and maintenance program is set out below:

Facility/Area	Cleaning/Inspection Tasks	Frequency
Access Wharf	Rubbish compound is closed and tidy.	Daily in the morning and at night
	Loading zone is clear of debris and rubbish.	Daily in the morning
	No vehicle is obstructing the access gangway.	Daily in the morning and at night
	Access gate is moving smoothly when opened and closed.	Daily in the morning and at night
	Planter boxes are clean and healthy	Weekly
Marina Building	The community space/café is in tidy condition.	Daily in the morning and at night
	The community space/café is securely locked.	During closing time
	No spills, rubbish or debris on the floors around the community space/café.	During opening hours
Public Deck and Launching Pontoon	No spills, rubbish or debris at the launching pontoon and public deck.	During opening hours
Car parks	Car parks are clear of litter and debris.	Daily in the morning and at night
	Wheelstops are intact.	Daily in the morning
	The kayaks are securely fastened on the kayak racks and the kayak racks are tidy.	Daily in the morning and at night
	The stand-up paddle boards are securely fastened on the SUP rack.	Daily in the morning and at night
	Bike stands are tidy.	Daily in the morning and at night
	Trolleys are empty and properly stored at the trolley racks.	During opening hours

SCHEDULE 1 - Fire, Spill and Emergency Response Plan

Date: 20/11/2023

CST60082321

Certifier: Yashika Joshi

Related conditions: C90 and C99

Revision: Nov 23

FIRE, SPILL & EMERGENCY RESPONSE PLAN

Key:

- Firepump locations
- Emergency Equipment Store
- Fire & Emergency Call Stations
- Evacuation Route to Safety



Compliance Monitoring Certified

Date: 20/11/2023
 CST60082321
 Certifier: Yashika Joshi
 Related conditions: C90 and C99
 Revision: Nov 23

Auckland Council

NAVIGATION LEGEND

- STARBUCK MARKER
- PORT
- WHITE ATTENUATOR & FAIRWAY LIGHTS

APPENDIX A - Fire & Emergency New Zealand – Fire Scheme Approval

Date: 20/11/2023

CST60082321

Certifier: Yashika Joshi

Related conditions: C90 and C99

Revision: Nov 23

6th December 2021

Etienne Hermouet
Engineering Team Leader
Auckland

Dear Etienne,

Kennedy Point Marina Fire Fighting Design

I am writing to clarify items discussed other the past month that relate to the two main firefighting assets required at the Kennedy Point Marina. These items are the fixed Firefighting Hose Reels and the equipment the Fire Department would use in the event of a fire at the Marina. There is a need to lockdown these items and their design, to allow Kennedy Point Boatharbour Ltd (KPBL) to complete detailed design of the Marina pontoons and other infrastructure. As this facility does not have mains water KPBL was required to consider other solutions, that may not normally be used at a marina. For these new solutions to be incorporated into the Kennedy Point Marina they need to be agreed to and signed off by FENZ.

Several possible solutions were tabled with FENZ, after feedback KPBL worked through these options with a Hydraulic Engineer, Plumber, and pontoon manufacture. During this process KPBL was able to establish a workable solution for the two items. These were then discussed with FENZ, who then reviewed KPBL's findings and added additional requirements. These were then included into the final package.

Item 1 Fix Firefighting Hose reels - Using Salt Water (first response)

Item 2 Portable Firefighting – Using Salt Water (used by Fire Department)

Listed below are the specific details relating to Items 1 & 2 that have been agreed to by FENZ and KPBL.

Fire Fighting Hose Reels

- Hose reels will be positioned on the Marina so that a 30m arc of the hose covers the Marina's structures and boats (see attached drawing).
- Hose reels will be pump feed with salt water
- The pump will supply at a minimum water flow rate of 0.63 L/s at a running pressure of not less than 275kPa.
- Pump will automatically start when a hose is open.

- Hose reels will be able to be flushed with fresh water and will be stored in this manner.
- Pump/s will be serviced and maintained as per manufacturers requirements and other measures considered due to the environment they will be working in, if required.
- A testing schedule will be established prior to the Marina Opening.

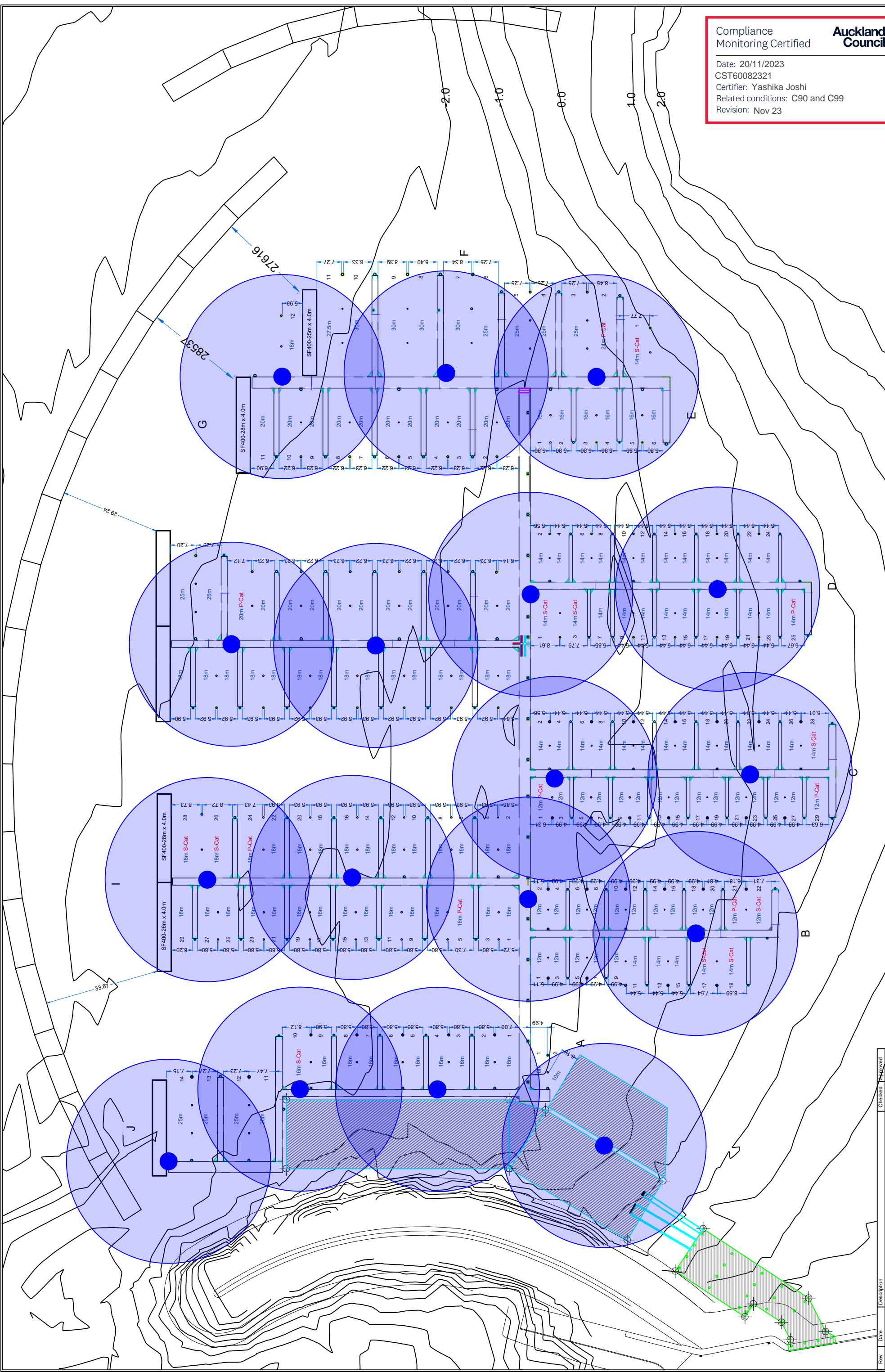
Portable Fire Fighting Pumps

- There will be 3 portable pumps located at the Marina, FENZ required two hoses to be operational to fight the fire at any one time, so having 3 pumps allows for a standby in case of servicing or failure to operate.
- Pumps will be incorporated into custom manufactured trollies
- Pumps will have a rigid pickup/suction hose
- Pumps will be electric start and self-priming
- Flow rate required for the pump outlet is required to be 450L/min at a minimum of 600kPa.
- The outlets will be fitted with the standard female instantaneous couplings.
- Pumps will be stored in locations known to the Local Fire Department
- A detailed pack including an equipment location map will be provided to the Local Fire Station/s.
- In the event of a fire, Marina staff will have pumps in locations, started and primed ready for the fire teams to operate.
- Marina staff will be trained in setup and operation of this equipment
- Pumps will be maintained to a high standard
- A schedule will be established for testing pumps regularly.
- Servicing of the equipment will be carried as per the manufactures requirements and other measures considered due to the environment they will be working in, if required.

As the project continues KPBL will remain in communication with FENZ to complete other items such as The Emergency Plan, alarm system and others.

Kind Regard

Mark Schmack
Director



Rev	Date	Description	Checked	Approved
9	23/10/2020	LAYOUT CHANGES & PILE MOORING PLAN	WNM	AJ
10	23/10/2020	PILE MOORINGS & NAV AIDS PLAN ADDED	WNM	AJ
11	30/10/2020	LAYOUT UPDATES + A1 SALES DWG	WNM	CC
12	18/02/2021	WALKWAY PILES TO ONE SIDE, CHANGED BEGINNING OF WALKWAY	CC	MS

From: [Hermouet, Etienne](#)
To: [Mark Schmack](#); [Larcombe, Phil](#)
Subject: RE: Kennedy Point Marina
Date: Thursday, 9 December 2021 6:19:15 PM
Attachments: [image001.png](#)

**Hello Mark,
Apologies this took a bit longer than I planned.
Having consulted with Phil, I can confirm that the letter you provided outlines the solution discussed to date, which we are comfortable with.
The only very minor comment from us is references to "fire department", which is not a terminology we use in New Zealand but it is sufficiently widely understood that it probably does not require updating the letter.
Once again, we thank you for engaging with us on this matter. As previously discussed, we also encourage you to restart the conversation should anything change as the design progresses.
Finally, we would welcome further engagement in due course, as you develop the management procedures and finalise the details around equipment storage.**

**Best regards,
Etienne Hermouet
Engineering Team Leader – Auckland
Fire Engineering Unit
2 Poynton Terrace – Auckland
PO Box 68444 – Victoria St West - Auckland 1142
M: 027 563 0611
P: 09 354 5106
etienne.hermouet@fireandemergency.nz
www.fireandemergency.nz**

From: Mark Schmack <mark@kpmarina.co.nz>
Sent: Monday, 6 December 2021 9:35 am
To: Hermouet, Etienne <Etienne.Hermouet@fireandemergency.nz>; Larcombe, Phil <Phil.Larcombe@fireandemergency.nz>
Subject: Kennedy Point Marina

Hello Etienne and Phil

Thank you for your time to date.

Attached is a Letter from KPBL covering the agreed methodology for the Fire Hose Reels and the Fire Fighting equipment that would be used in the event of a fire at Kennedy Point Marina.

I believe all items we have discussed and agreed on are included this letter.

As you are aware KPBL requires FENZ approval before it can finalise design ready for manufacture.

It would be appreciated if you could review the attached letter and drawing, if you needed something added I have attached a version in word. If you are happy with the letter, please note that on the letter and return via email.

Any questions please don't hesitate to contact me.

Kind Regards

Mark Schmack

m: 021 624 614

w: www.kennedypointmarina.co.nz

f: www.facebook.com/kennedypointmarina

APPENDIX B – Fire and Emergency Response Plans

A. Fire on a berthed vessel	
1.	Activate the nearest emergency call button (at all hose reel stations).
2.	Advise FENZ by dialling 111 and inform all other marina staff on site.
3.	Ascertain type of fire if possible (e.g., electrical, fuel etc.)
4.	Evacuate the pier. Prevent other boaties returning to vessels. Seek assistance when possible.
5.	Do not attempt to tow the vessel clear of the Marina (it will distribute the fire over a wider area).
6.	<p>Shut off power to the pier (main power boards are located at the marina office building).</p> <p><i>Cautionary Notes:</i> Vessel fires grow very fast, only attempt to extinguish using emergency equipment if the fire is smaller than a bucket. Always keep an exit strategy - ALWAYS STAY BETWEEN THE VESSEL AND THE PIER EXIT. Don't jump onboard boats as they could be electrically compromised. Fires could be burning behind doors, or in hull compartments, therefore if safe, spray the vessel with hose on wide jet which absorbs fire energy. Stay upwind of toxic smoke.</p>
7.	If there is any danger or the fire is growing, evacuate the area and await FENZ. Deploy and prime portable pumps.
8.	Hand over to FENZ on arrival. Give FENZ a list of known persons on vessels and contractors working on site. Offer assistance to OIC Fire by providing knowledge on marina set up.
9.	Post Fire: Formulate a plan to secure the scene for Fire Investigation, Insurance Assessment, remove debris, foam, etc. and ensure all spills have been cleaned and removed. Notify marina Manager who will notify vessel owner.

B. Fire on marina carpark	
1.	Activate the nearest emergency call button (at all hose reel stations).
2.	Advise FENZ by dialling 111 and inform all other marina staff on site.
3.	Marina staff to evacuate all persons to the Emergency Evacuation Point.
4.	If the wharf gates to the marina gangways are closed (e.g. outside daylight hours), activate the 'gates open' function. If the person in charge is unable to do this immediately, they are to delegate another staff member to do so. If the 'gates open' function fails, manually override the wharf gates to ensure access onto the wharf and to the Emergency Evacuation Point.
5.	Hand over to FENZ on arrival. Offer assistance to OIC Fire by providing knowledge on marina set up. Notify Marina Manager.
6.	Post Fire: Formulate a plan to secure the scene for Fire Investigation, Insurance Assessment, remove debris, foam, etc. and ensure all spills have been cleaned and removed. Secure area and clean up.

C. Fire in marina office	
1.	Activate the nearest emergency call button (at all hose reel stations).
2.	Advise FENZ by dialling 111 and inform all other marina staff on site.
3.	Marina staff to evacuate all persons to the Emergency Evacuation Point.
4.	If the wharf gates to the marina gangways are closed (e.g., outside daylight hours), activate the 'gates open' function. If the person in charge is unable to do this immediately, they are to delegate another staff member to do so. If the 'gates open' function fails, manually override the wharf gates to ensure access onto the wharf and to the Emergency Evacuation Point.
5.	Fire Warden to undertake building evacuation check.
6.	Office staff member carry out checks of all areas and report to the Fire Warden. On-site staff to assist.
7.	Staff to notify Fire Warden if people are believed missing and a possible location.
8.	Account for all visitors and general public on the building pontoon.
9.	Hand over to FENZ upon arrival. Offer assistance to OIC Fire by providing knowledge on marina set up. Notify Marina Manager.
10.	Report any anomalies to FENZ to arrange search.
11.	Staff to assist in securing the site and determine extent of and strategy to make good.
12.	Do not re-enter building until declared safe by FENZ.
13.	Post Fire: Formulate a plan to secure the scene for Fire Investigation, Insurance Assessment, remove debris, foam, etc. and ensure all spills have been cleaned and removed. Secure area and clean up.

D. Sinking vessel within the marina	
STOP/LOOK/ASSESS THE RISKS TO DETERMINE IF SAFE	
1.	Notify staff member of the location of the vessel. Office staff to notify Manager.
2.	To avoid H&S issues from onlookers, lock pier gate or put up barrier.
3.	If safe to do so: check if anybody is on board. Isolate power to vessel before stepping aboard.
4.	Onsite staff member to deploy a submersible pump(s) to the vessel.
5.	DO NOT PROCEED BELOW INTO ENCLOSED COMPARTMENTS. Always have a clear exit to open air.
6.	If own pump is not successful, notify FENZ on 111.
7.	Ascertain possible cause of leak and attempt to stop leak.
8.	Check if bilges are oily, if so collect absorbent pads from spill kit and insert in bilges.
9.	If boat is actively sinking, cut lines to allow it to sink evenly and avoid damaging the pier.
10.	Place spill booms around the berth if vessel is sinking, including into the gaps in the pontoons to contain potential spill.
11.	Dispose of contaminated spill material in appropriate receptacles.
12.	If unable to stop leak but it is slow and contained by pumps, consider arranging to slip vessel, if safe to do so.
13.	DO NOT beach the vessel. This will make salvage more difficult and also expose the environment to the vessel potentially breaking up, whereas a vessel sunk in a berth is a relatively easy salvage.
14.	Marina Manager to notify vessel owner as soon as possible.

APPENDIX C - Marina Rules

Date: 20/11/2023
CST60082321
Certifier: Yashika Joshi
Related conditions: C90 and C99
Revision: Nov 23

MARINA RULES (AUGUST 2023)

These rules have been adopted by Kennedy Point Boatharbour Limited to regulate boating and related activities in Kennedy Point Marina. These rules may be amended from time to time at the sole discretion of Kennedy Point Boatharbour Limited.

1. Defined Terms

1.1 In these rules the following terms have the following meaning:

Licensee: means a person holding a licence or sub-licence to occupy and use a berth in the Marina, any person authorised to use a berth or any other part of the Marina by the Licensor or the Manager.

Licensor: means Kennedy Point Boatharbour Limited.

Manager: means such person as is from time to time appointed to manage the Marina by the Licensor.

Marina: means the Kennedy Point Marina and includes all facilities and structures owned by the Licensor and all coastal waters it is authorised to occupy, use and manage at Kennedy Point, Waiheke Island.

2. Application of Rules

2.1 These rules apply to:

- (a) all Licensees, and their employees, agents, invitees and contractors;
- (b) all persons operating vessels within the Marina;
- (c) all passengers or intended passengers on vessels within the Marina; and
- (d) all persons entitled to be in the Marina by the Licensee or the Manager.

3. Use of Marina

3.1 No vessel shall berth or knowingly be permitted to berth in the Marina unless:

- (a) the vessel is licensed to occupy a berth in the Marina; or
- (b) the owner of the vessel has permission in writing from the Manager to berth the vessel within the Marina; and
- (c) the owner of the vessel has agreed to comply with these rules and has acknowledged the rights of the Licensor or Manager to ensure compliance with them at any time.

3.2 All reasonable directions of the Manager and signage erected by the Licensor made for the good management of the Marina and the safety of all its users shall be obeyed at all times.

3.3 No-one shall engage in any conduct or activity within the Marina that in the opinion of the Manager affects or is likely to affect the peace, enjoyment or privacy of Licensees or other users of the Marina.

3.4 Nothing shall be left on a pier, walkway or finger or corner bracket within the Marina without the permission of the Manager (e.g., buckets, hoses, cleaning equipment).

3.5 No laundry shall be hung to dry on any vessel or other structure within the Marina.

3.6 No structures shall be erected within the Marina or any item attached to any piles, piers, finger or corner brackets or walkways without the prior approval of the Manager.

3.7 No person shall advertise or solicit for business within the Marina without the prior approval of the Manager.

3.8 No vessel shall be advertised "for sale" within the Marina and no "for sale" signage shall be posted or located within the Marina without the written approval of the Manager.

3.9 The Marina shall not be used as an address for the purposes of mail delivery without the written approval of the Manager.

- 3.10 Small tenders and rowboats may only be moored or stored within a Licensee's berth provided they are kept clear of walkways and pier fingers.
- 3.11 No-one shall live aboard a vessel in the Marina.
- 3.12 No-one shall stay on board a vessel in the Marina for more than seven (7) days in any month, except with the approval of the Manager.
- 3.13 No person shall carry out or permit to be carried out any maintenance work on a vessel while it is berthed in the Marina, unless the approval of the Manager is obtained.

4. Utilities, Services and Facilities

- 4.1 Licensees may use the water, power and any other services or facilities provided by the Licensor, subject to payment to the Licensor of any reasonable fees set from time to time for the use of such utilities, services or facilities.
- 4.2 Persons other than Licensees may use the water, power and any other services or facilities provided in the Marina at the discretion of the Licensor.

5. Pollution

- 5.1 No person shall pollute or permit the pollution of the Marina or the waters within the Marina.
- 5.2 No person shall clean the hull of any vessel within the Marina. Vessel decks shall only be washed down with chemicals approved by the Manager.
- 5.3 No person shall discharge or dispose of any sewage, garbage, oil, fuel, contaminated bilge water, chemicals, grey water, litter or other material on the Marina or into its waters or into the water near the Marina. For the purposes of this rule, "grey water" includes discharges from boat galley sinks and showers.
- 5.4 If the Licensor provides containers suitable for the disposal of contaminants or pollutant materials (e.g., hazardous wastes such as antifreeze, batteries, oil, paint solvents) or for rubbish and recyclables, such containers shall be used and all conditions stipulated for their use complied with. If the Licensor does not provide such containers, or the owner of the contaminants, pollutant materials or rubbish and recyclables does not wish to use them, the owner shall be responsible for the safe removal of these materials from the Marina.

6. Biosecurity

- 6.1 The hulls of all vessels berthed in the Marina shall be kept free of unwanted organisms and cleaned and anti-fouled regularly.
- 6.2 No person shall bring or allow to be brought into the Marina a vessel or any equipment known to harbour an unwanted or biosecurity risk species, or a vessel notified to the Manager by a government agency as harbouring any unwanted or biosecurity risk species. No such vessel or equipment shall be allowed to enter into the Marina until the Manager is satisfied that it has been appropriately treated and certified to the Manager as such.
- 6.3 All persons within the Marina shall comply at all times with the requirements of the Marine & Terrestrial Pest Management Plan for the Marina.

7. Anti-fouling coatings

- 7.1 No vessel treated with anti-fouling products that incorporate Diuron, Tributyl tin, Irgarol, Ochtilinone, Ziram, Thiram or Chlorothalonil shall be bought into or berthed at the Marina by a Licensee.
- 7.2 All Licensee vessels shall be treated with anti-fouling products approved by the Environmental Protection Agency of New Zealand which are low impact. A list of anti-fouling products acceptable for use on vessels to be berthed at the Marina is set out in the Marina's Anti-Foul Policy available on the Marina's website (www.kennedypointmarina.co.nz) or upon request from the Manager. The range of approved anti-fouling products may change from time to time.
- 7.3 The Manager shall be entitled to seek certification of compliance with these rules from Licensees at any time in accordance with the Anti-Foul Policy. Certification shall be in a form acceptable to the Manager in its sole discretion. Failure to provide certification when requested in a timely manner will be a breach of these rules.

8. Animals

- 8.1 Dogs may only be in the Marina if they are under effective control, or otherwise restrained by way of chain, strap or lead. Any damage or mess caused by dogs shall be remedied by the person controlling them immediately.
- 8.2 Other than as permitted by Rule 8.1., no animals shall be allowed within the Marina.

9. Children

- 9.1 Children under the age of 12 years shall be accompanied by a responsible adult at all times while within the Marina.

10. Recreational Activities

- 10.1 No person shall fish, swim, operate model boats or drones, dive or engage in any underwater activities within the Marina, unless permitted to do so by the Manager.
- 10.2 Rule 10.1 does not prohibit the underwater inspection of vessels, provided notice is first provided to the Manager and any reasonable directions stipulated by the Manager are complied with.

11. Control and Maintenance of Vessels

- 11.1 All vessels entering the Marina are subject to the over-riding general jurisdiction of the Licensor and the Manager to ensure the good management of the Marina and the safety of all its users, and persons in charge of such vessels shall comply with all reasonable directions of the Manager at all times.
- 11.2 Within the Marina, no person shall moor, anchor, or manoeuvre any vessel so as to create a danger, obstacle or inconvenience to other Marina users.
- 11.3 No person shall sail a vessel within the Marina.
- 11.4 In the Marina, vessel speed is to be limited to a minimum safe manoeuvring speed with a maximum of 5 knots and the vessel must be operated so that any wake does not cause a nuisance or danger to other vessels or their occupants or to the structure of the Marina.
- 11.5 No person shall navigate any vessel within the Marina at a speed greater than 5 knots, or in such manner that the vessel's wake causes or may cause damage or discomfort to other property or persons within the Marina.
- 11.6 All persons navigating vessels into or out of the Marina at dawn or dusk shall maintain their vessel speed at no more than 5 knots within 50m of the entrance and be vigilant to avoid collision with penguins in the water as they do so.
- 11.7 No person shall navigate a vessel that is 20m in length or longer beyond the port navigation marker into the northern access fairway.

- 11.8 All vessels within the Marina shall be maintained in a good, safe and seaworthy condition at all times.

- 11.9 Licensees shall ensure that at all times:

- (a) the fittings on their vessel are of a suitable strength, design and condition to adequately secure the vessel;
- (b) all mooring lines are in a suitable condition and suitably protected from wear to adequately secure the vessel;
- (c) only mooring points provided within the Marina are used; and
- (d) no shackles are used on mooring lines.

12. Noise and Light Nuisance

- 12.1 No person shall make or permit to be made any noise on a vessel or elsewhere in the Marina which is likely to cause annoyance to any person (e.g., shouting, slamming gates, rough handling of material and equipment).
- 12.2 No diesel or wind-driven electricity generators shall be operated on any vessel while berthed within the Marina.
- 12.3 All halyards, lines, ropes, rigging and sheets on vessels berthed in the Marina shall be secured so that they do not create any unreasonable noise or other nuisance.
- 12.4 All mechanical devices and amplified entertainment systems on vessels berthed in the Marina shall be operated within guidelines established by the Manager from time to time or failing such guidelines at a reasonable and respectable volume and so as not to cause nuisance or disturbance to other persons within the Marina or the surrounding community.
- 12.5 Notwithstanding Rule 12.4, amplified music must not be audible at another berthed vessel between the hours of 10pm and 7am.
- 12.6 No trolleys to convey equipment and goods throughout the Marina shall be used in the Marina unless they are fitted with rubber tyres.
- 12.7 Exterior lighting on vessels within the Marina shall not be operated between the hours of 10pm and 6am.
- 12.8 The sewerage pump out and other recycling and rubbish facilities provided at the Marina shall not be used between the hours of 10pm and 7am.

12.9 Vessel engines shall be switched off when the vessel is moored in its berth, unless it is arriving or preparing to depart, or is undergoing engine maintenance.

12.10 The use of vessel horns within the Marina will be avoided except as required by Maritime NZ Rules (e.g. restricted visibility and distress signals).

13. Storage

13.1 No person shall permit or allow any property under their control to be stored on the Marina without the prior written consent of the Manager.

14. Alcohol

14.1 No alcoholic beverages shall be consumed within the Marina except when on board a vessel or within licensed premises.

15. Safety Restrictions

15.1 No motor spirit, petroleum products, fuel, oil, liquefied petroleum gas, compressed natural gas, kerosene or goods of a similarly dangerous or flammable nature shall be stored on any vessel within the Marina, without the prior written approval of the Manager.

15.2 No motor spirit, petroleum products, fuel, oil, liquefied petroleum gas, compressed natural gas, kerosene or goods of a similarly dangerous or flammable nature shall be brought into the Marina without the prior written approval of the Manager.

15.3 Nothing in rules 15.1 or 15.2 restricts the storage of such materials in a vessel's usual fuel tank or having small quantities of those materials on board in safe containers.

15.4 All vessels berthed in the Marina that intend to utilise power supplied by the Licensor shall have:

(a) a current electrical warrant of fitness or any other regulatory requirement to connect to the electricity supply within the Marina and shall provide evidence of such certification upon request by the Manager; and

(b) a shore power cable that has been tested and tagged in the preceding 12-month period.

15.5 All vessels berthed in the Marina that utilise stored LPG or Natural Gas for use in equipment on the vessel shall have a current gas appliance certification for such equipment from a registered gas fitter.

15.6 No person shall allow to be on any vessel or elsewhere within the Marina any plant, equipment, fuel or other material or substance in such condition that it could constitute a hazard or menace to the health or safety of other Marina users or their property.

15.7 Any person involved in any incident within the Marina whereby any damage is done to any property not owned by the person causing such damage shall report such damage to the Manager as soon as possible.

16. Car parks

16.1 All persons using the car parks provided at the Marina shall do so in strict compliance with the conditions of usage of such car parks, including as to time restrictions and the payment of parking fees.

16.2 Licensees shall ensure that identification details of any vehicle they park at the Marina are provided to the Licensor prior to entry to the carpark, that the vehicle has a current warrant of fitness and is free of oil or any other fluid leaks.

17. Insurance

17.1 The owner of any vessel moored in the Marina must at all times ensure that:

(a) such vessel and all other property owned or brought into the Marina is fully insured whilst within the confines of, or near to the Marina against loss or damage by fire, explosion, storm, tempest, typhoon, earthquake, accidental damage, burglary, act of god and all other usual maritime risks, and that such insurance includes special cover for wreck removal;

(b) the owner and the Master of the vessel is insured against liability for claims by third parties in respect of all property damage caused by the vessel within the Marina to a minimum value of \$5,000,000 (if the vessel is up to 14m in length) or \$10,000,000 (if the vessel is 16m in length or longer).

17.2 All insurance policies shall be with a reputable insurance company or office approved by the Licensor. Such vessel owner or Master shall produce the policy or cover note of insurance to the Manager upon demand.

18. Hours of Access

- 18.1 Licensees will have 24-hour access to their vessel on such terms and conditions as the Manager from time to time determine.

19. Right of Entry

- 19.1 In order to prevent any damage to any person or property within the Marina, or to ensure the requirements of rules 12.3 and 12.4 are met, the Manager shall be entitled, in the absence of the owner or Master of a vessel, to enter onto such vessel and to move the vessel, secure or adjust equipment on the vessel or carry out repairs to the vessel, and in such circumstances the Manager shall be deemed to be authorized to do so by the owner or Master of the vessel.
- 19.2 All Licensees hereby indemnify the Manager and the Licensor against any actions, claims, demands, losses, costs and expenses incurred in, or resulting (whether directly or indirectly) from, the exercise of the power contained in rule 19.1.

20. Enforcement of Rules

- 20.1 If any person fails or refuses or neglects to do anything required by these rules to be done, observed or performed, or in any manner obstructs, impedes or interferes with the doing of anything enjoined, required or authorized to be done or does anything prohibited by these rules, such person shall commit an offence under these rules
- 20.2 In the event of non-compliance with any of these rules the Licensor or the Manager may give formal notice to the alleged offender to comply within an appropriate time frame. If the non-compliance continues beyond the time within which the non-compliance should have been rectified, the Licensor or the Manager may initiate enforcement action against the Licensor.
- 20.3 In the event of un-rectified non-compliance with these rules, the Licensor or Manager shall, until such non-compliance is rectified, be entitled to:
- (a) suspend access by the Licensee to the facilities, services or utilities within the Marina;
 - (b) suspend access by the Licensee to the Marina;
 - (c) remove the Licensee's vessel from the Marina to an alternative secure location, provided the vessel is safely secured; or

(d) cancel the Licensee's licence.

- 20.4 Licensees hereby indemnify the Manager and the Licensor against any actions, claims, demands, losses, costs and expenses incurred in, or resulting (whether directly or indirectly) from, the exercise of the power contained in rule 20.2.

APPENDIX D – KP Marina Anti-Foul Policy 2023

Date: 20/11/2023

CST 60082321

Certifier: Yashika Joshi

Related conditions: C90 and C99

Revision: Nov 23

ANTI-FOULING POLICY 2023

Kennedy Point Marina has prepared this Anti-Fouling Policy to assist berth holders to choose anti-foul paints to apply to their vessels that will comply with the Kennedy Point Marina Rules.

The information in this policy has been sourced from the Environmental Protection Authority of New Zealand (EPA) who regulates the importation and manufacture of all hazardous substances in New Zealand. As the active chemicals in anti-fouling paints are predominantly hazardous substances, the EPA maintains a list of paints that are approved for use in New Zealand.

The range of approved anti-foul paints is constantly subject to review and may be added to from time to time if the EPA approval is updated or new products are approved. Products containing substances subsequently found to be harmful, may also have their approval revoked. A number of presently approved anti-foul paints are subject to a phase out date of July 2023; we have not included any paints subject to this phase out date in this policy.

Kennedy Point Marina is grateful for your co-operation in implementing this Anti-Fouling Policy. The slow release of toxic substances into the marine environment from anti-fouling coatings can result in concentrations of toxic substances that cause adverse effects to people, marine life and the environment. Kennedy Point Marina appreciates that boatowners may have preferences in the anti-foul paints used on their boats, however choosing approved, safe anti-foul paint for your boats is a way of mitigating the risks from toxic substances on New Zealand's environment.

Banned substances

There is a list of chemicals/substances that are banned by the EPA from use in anti-foul paints in New Zealand due to the more than negligible risks they pose to the environment and human health, which has been based on extensive research internationally.

Vessels treated with paints containing these substances will not be allowed in Kennedy Point Marina. The banned substances are:

- Diuron
- Octhilinone
- Ziram
- Thiram
- Irgarol
- Chlorothalonil

EPA Approved Anti-Fouling Paints

Vessels treated with anti-fouling paints identified in Schedule 1 will be welcomed at Kennedy Point Marina.

The substances in Schedule 1 are anti-fouling paints that are approved for importation and manufacture in New Zealand by the EPA. It is based on a list of approved anti-fouling paints published on the EPA website.

Since publication of this list however, a number of hazardous substances were re-assessed by the EPA on 30 April 2021. Unfortunately, the EPA list has not been updated to reflect this reassessment and nor does the EPA hold a separate list of new anti-fouling paints that have since been approved. We are working with the EPA to ensure that our Schedule 1 list of approved anti-fouling paints is current.

If a berth holder proposes to utilise a paint product on their vessel that is not in Schedule 1, they will need to supply information to satisfy the Marina Manager the paint is approved by the EPA for use in New Zealand, including the Hazardous Substances Register (HSR) approval number and a current EPA approval document.

Kennedy Point Marina is also aware of a biocide-free adhesive film that is in use as an alternative to anti-fouling paints. This substance provides a protective film that adheres to a vessel, rather than being a protective coat of paint on the vessel. It does not presently appear to require approval under the Hazardous Substances and New Organisms Act 1996, however, enquiries are being made as to whether the EPA intends to regulate it. If not, this Policy will be updated to confirm its acceptability.

Verification of compliance with Policy

Verification by berth holders of their compliance with this Policy will be required.

Verification documents must be supplied to the Marina Manager prior to the vessel's entry into the Kennedy Point Marina. Acceptable verification documents must include the following information:

- Name and contact details of the anti-foul paint applicator.
- Name and contact details of the berth holder.
- The name of the vessel.
- The date of the paint application.
- The name/brand of the anti-foul paint applied.
- The HSR number for the anti-foul paint applied (Note: this can be found in the product data sheet of the paint, which the applicator/boat detailer should have a copy on hand).
- The recommended date for re-application.

Application

This Policy only applies to vessels resident in New Zealand or those vessels intending to berth in or travel around New Zealand for more than three (6) six and receiving anti-fouling treatment in New Zealand.

Policy Review

This Policy may be amended from time to time by Kennedy Point Marina based on specialist advice and further review of approved anti-foul paints by the EPA.

If you have any questions or wish to make an enquiry as to the approval status of a particular brand of anti-foul paint, please contact Kennedy Point Marina at office@kpmarina.co.nz.

Schedule 1:

List of EPA Approved Anti-Fouling Paints (with approval code)

ABC7 ANTIFOULING	(HSR001748)
Alloy B Antifouling Range	(HSR000951)
Alloy C Antifouling Range	(HSR000952)
Altex Ablative Antifouling Coating SZ RTU	(HSR101262)
Altex Antifouling Coating SZ RTU	(HSR101040)
ALUXTRA NCT 74770-30390 blue	(HSR101091)
Antifouling paint containing 195 g/litre cuprous oxide	(HSR000919)
Antifouling paint containing 215 g/litre copper thiocyanate and 36 g/litre dichlofluanid	(HSR000889)
Antifouling paint containing 245 g/litre cuprous oxide	(HSR000920)
Antifouling paint containing 521 g/litre cuprous oxide	(HSR000921)
Antifouling paint containing 640 g/litre cuprous oxide and 36 g/litre zinc pyrithione	(HSR000932)
Antifouling paint containing 640-665 g/litre cuprous oxide	(HSR100080)
Antifouling paint containing 648 g/litre cuprous oxide and 70 g/litre zineb	(HSR000933)
Antifouling paint containing 754 g/litre cuprous oxide and 550 g/litre zinc oxide	(HSR000929)
Antifouling paint containing 780 g/litre cuprous oxide and 220 g/litre zinc oxide	(HSR000930)
Antifouling paint containing 840 g/litre cuprous oxide and 350 g/litre zinc oxide	(HSR000931)
Antifouling paint containing 1000 g/kg cuprous oxide (Part B)	(HSR000922)
Antifouling paint containing 290 g/litre copper thiocyanate, 220 g/litre zinc oxide and 55 g/litre zineb	(HSR000918)
Antifouling paint containing 408-494 g/litre cuprous oxide and 34-42 g/litre dichlofluanid	(HSR000923)
Antifouling paint containing cuprous oxide and zinc pyrithione	(HSR100850)

Antifouling SeaQuantum Classic	(HSR100849)
Antifouling SeaQuantum Ultra	(HSR100854)
Antifouling Seavictor 50	(HSR100846)
AQUAGARD (Black, Blue, Red, Teal, Green)	(HSR100941)
Globic 9000-78900	(HSR101063)
Hempaguard X7 89909	(HSR101255)
Hempel's A/F Globic NCT	(HSR100851)
Hempel's Antifouling Globic	(HSR000112)
Hempel's Antifouling Olympic 86901 colour range	(HSR002484)
Hempel's Antifouling Olympic 86951 colour range	(HSR002698)
Interswift 6800HS	(HSR101130)
Micron 77 Black	(HSR100059)
Micron 77 Blue	(HSR100058)
Micron 77 Navy	(HSR100060)
Micron 77 Red	(HSR100057)
Netwax NI 3/Netrex AF	(HSR101000)
Netwax NI 4	(HSR100999)
Optima Activator (Black)	(HSR000103)
Optima Activator (Blue)	(HSR000104)
Optima Activator (Red)	(HSR000105)
Optima Activator (White)	(HSR000106)
Reduced Copper Antifouling Range (Range E)	(HSR100354)
Sea Hawk AF33 Antifouling Paint	(HSR100870)
Sea Hawk Mission Bay	(HSR100870)
SeaForce 30	(HSR100413)
SeaForce 60	(HSR100411)
SeaForce 90	(HSR100412)
SeaQuantum Ultra S	(HSR101017)

SeaSafe Ultra

(HSR100427)

Sigma Ecofleet 290S Range

(HSR101382)

Trilux 33 Black

(HSR000123)

Trilux 33 Blue

(HSR000125)

Trilux 33 Green

(HSR000122)

Trilux 33 Red

(HSR000124)

Trilux 33 White

(HSR000121)

Waterbased Antifouling Range

(HSR000041)

Additions to Scheduled v2

Altex Ablative Antifoul (TF) Range

(HSR101519)