

HARBOUR MASTER INSTRUCTIONS FOR MAYDON WHARF BERTHS

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Harbour Master, Port of Durban	Date: 16 January 2023

PORT OF DURBAN

Harbour Master Instructions
For
Berthing in Maydon Wharf Precinct

1. REVOCATION

The promulgation and approval of these Maydon Wharf Berthing Instructions repeals all previous instructions, policies and rules for the Port of Durban, Maydon Wharf.

2. PURPOSE OF THE MAYDON WHARF RULES

- 2.1 These Maydon Wharf Berthing Instructions shall serve as a guideline for all port users at Maydon Wharf. This is as a response to the congestion and resultant delays experienced by port users when planning and berthing at Maydon Wharf.
- 2.2 These Maydon Wharf Berthing Instructions should be read in conjunction with Port of Durban Berthing Guidelines (September 2017), Port Rules for the Harbours of South Africa promulgated under section 80 of the Act, the terms and conditions contained in Terminal Operator Licenses and Terminal Operator Agreements, as the case may be.
- 2.3 These Maydon Wharf Berthing Instructions should not be construed as replacing the Port of Durban Berthing Guidelines (September 2017).
- 2.4 Where there is a conflict of interpretation or application arising from these Maydon Wharf Berthing Instructions and the Port of Durban Guidelines, the Port of Durban Berthing Guidelines, 2017 shall take precedence over the Maydon Wharf Berthing Instructions.

3. OBJECTIVES

- 3.1 Improve and coordinate berth utilization;
- 3.2 Improve vessel turnaround time;
- 3.3 Provide an equitable and transparent process for berth planning and allocation of berths;
- 3.4 Introduce integrated planning of berths and the coordination of both land and waterside activities;
- 3.5 Coordinate essential berthing functions such as customer relations, port operations, berth planning, security and SHE under the guidance of Berth Planner;
- 3.6 Ensure compliance, prevention and enforcement of safety, health and environmental measures designed to protect the port environment;
- 3.7 Ensure good order and security within port limits;
- 3.8 Enable terminal operators and vessel agents to plan and deploy adequate resources, for increased productivity and optimization of berth utilization;
- 3.9 Monitor cargo volume throughput, cargo productivity, cargo dwell times, operational and non-operational times, and compliance enforcement.

4. PREFACE

- 4.1 Before the year 1910, the South African Railways Administration established a leasehold area at Maydon Wharf for industrial and commercial activities. The main objective was to encourage trade for the Port of Natal by providing cargo handling areas and issuing long-term leases.
- 4.2 The National Ports Act 12 of 2005 (the Act), establishes the Port of Durban as one of the eight commercial ports owned, managed, controlled, and administered by Transnet National Ports Authority (the Authority), a division of Transnet SOC Ltd.
- 4.3 The Port of Durban (the Port) is a multi-commodity port handling Automotive, Container, Liquid Bulk, Breakbulk and Dry Bulk cargo. The Port is constituted by five (5) port precincts, namely, Point & Leisure Precinct, Maydon Wharf Precinct, Bayhead Precinct, Durban Container Terminal Precinct, and Island View Precinct.
- 4.4 The Maydon Wharf precinct handles a variety of commodities, including, among others:
 - 4.4.1 Minerals (manganese, chrome ore etc.);
 - 4.4.2 Agricultural commodities (wheat, sugar, rice, grain, maize, soya bean, sunflower, fertilizer, paper, and pulp products, etc.);
 - 4.4.3 A small percentage of containers;
 - 4.4.4 Liquid bulk (chemical tankers, edibles oils etc.);
 - 4.4.5 Break bulk (steel, cement, timber etc.);
 - 4.4.6 Project cargo.

4.5 The Maydon Wharf precinct has twenty-six (26) operating terminals consisting of:

4.5.1 Five (5) Dry Bulk Terminals

4.5.2 Five (5) Breakbulk Terminals

4.5.3 Thirteen (13) Multi-Purpose Terminals; and

4.5.4 Three (3) Liquid Bulk Terminals

5. DEFINITIONS AND ABBREVIATIONS

5.1 **Arrival** means, for the purposes of a Port and key performance measurement, the time a vessel crosses Port limits or Vessel Traffic Services (VTS) limits;

5.2 **Arrival Notification** means a notification to the Port by a vessel agent of its' vessel arrival by means of a written confirmation issued in the berthing process flow;

5.3 **Bar Chart** means a 21-day advance vessel berthing and working Programme compiled from the nomination data and nominated by a vessel agent but does not necessarily constitute a firm berthing window;

5.4 **Berth Planner** means an employee of the Authority that plans and allocates vessels to a berth;

5.5 **Compatible Cargo/Commodities** means cargo that can be worked together without causing contamination;

5.6 **Dedicated Berth** means a berth that a Terminal Operator has been allocated to use over a specified period;

- 5.7 **Direct Discharge Rule** means a dispensation by the Port of Durban, applicable to the Maydon Wharf Precinct, that allows 20% of cargo to be discharged directly from a vessel and driven out of the Port without being stored, the terms of which are contained in the New 80:20 Direct Discharge Rule dated 19 October 2021;
- 5.8 **ETA** means the estimated date and time of Arrival of a vessel at the Pilot Station in a Port;
- 5.9 **ETD** mean estimated date and time of departure of a vessel;
- 5.10 **First-Scheduled-First-Served principle** means that vessels will be dealt with in the order that they are scheduled, further, that scheduled vessels are senior to vessels that are not scheduled;
- 5.11 **First-Arrive-First-Served principle** means vessels will be dealt with in the order that they arrive;
- 5.12 **Fourteen-Day Rule** means that vessels will be scheduled and entered onto the Bar Chart 14 days prior to their ETA
- 5.13 **Four-Day Notice** means a firm notification by the **Vessel Agent** confirming the Estimated time of Arrival for their vessel and the availability of cargo to be loaded/discharged;

- 5.14 **Gap** means a berthing gap, an entitlement to berth on a specific occasion to load/unload at the Terminal where a preceding Scheduled Vessel has not utilized the full entitlement allocated to it;
- 5.15 **ID100** means the form submitted by a vessel to the Port indicating the ETA, ETD, the quantity of cargo to be worked, the nominated terminal operator and vessel agent details;
- 5.16 **Incompatible cargo/commodities** means cargo that cannot be worked together without causing contamination;
- 5.17 **LOA** (Length Overall) means the length of a vessel measured along the length between two opposite points on the hull furthest apart from one another, perpendicular to the water line;
- 5.18 **Nominated vessel** means a vessel whose booking has been accepted by the Authority for scheduling purposes after receipt of ID100 for a particular vessel;
- 5.19 **Notice of Readiness** means unequivocal advice tendered by the Master of the vessel indicating that the vessel is in all respects ready to commence working cargo;
- 5.20 **Opportunistic Vessel** means a vessel which arrives at anchorage as an Unscheduled Vessel for that berth and takes a slot or gap between two Scheduled Vessels;

- 5.21 **PSO** (Port Security Officer) means a security official appointed by a port and is responsible for the regulation and control of security within port limits;
- 5.22 **Scheduled Vessel** means a vessel that has submitted an ID100 and has been confirmed on the Bar Chart as per the dates requested;
- 5.23 **Slot** means a berthing slot, an entitlement to berth on a specific occasion to load/unload at the Terminal. This entitlement is acquired by scheduling the vessel for berthing;
- 5.24 **Stevedore** means a party contracted by a vessel agent or cargo owner to work cargo on board a vessel and to operate vessel cranes;
- 5.25 **Unproductive Vessel** means a vessel which has had cargo working interrupted or delayed for a period more than 4 hours for any reason whatsoever and which will then be calculated to exceed its prescribed time of working cargo;
- 5.26 **Unscheduled Vessel** means a vessel that arrives at anchorage and is looking for a berth to work cargo and has not been allocated a berth;
- 5.27 **Weather-sensitive Cargo** means cargo that by its nature cannot be worked due to it being adversely affected during the working process by weather conditions and for which special contingencies and planning may need to be implemented;
- 5.28 **Working Vessel** means a vessel which has been scheduled, berthed, and in respect of which cargo working is in progress.

6. POWERS OF THE HARBOUR MASTER

- 6.1 In terms of section 74(3)(a) of the Act, the Harbour Master is, in respect of the port for which he or she is appointed, the final authority in respect of all matters relating to pilotage, navigation, navigational Aids, dredging and all other matters relating to the movement of vessels within port limits.
- 6.2 Section 74(3)(b) empowers the Harbour Master to issue such written or verbal instructions as may reasonably be necessary to:
 - 6.2.1 Promote or secure conditions conducive to the ease, convenience, or safety of navigation in the port;
 - 6.2.2 Regulate the movement or mooring and unmooring of a vessel in the port;
 - 6.2.3 Control the way cargo, fuel, water, or ship's stores are taken on, discharged, or handled.
- 6.3 These Maydon Wharf Berthing Instructions are meant to:
 - 6.3.1 Provide information regarding berthing of vessels in Maydon Wharf;
 - 6.3.2 Assist Berth Planners in assigning berths in Maydon Wharf;
 - 6.3.3 Determine the order of working cargo in Maydon Wharf berths.
- 6.4 The Harbour Master for the Port of Durban remains accountable for regulation of safety of movement and mooring of all vessels within Port of Durban limits and is the final authority in respect of all matters relating thereto.
- 6.5 The allocation of Slots and Gaps as they may occur remains the prerogative of the Harbour Master. The following factors will be taken into consideration when a Gap is allocated:

- 6.5.1 A Gap shall be allocated on a vessel seniority basis and shall be allocated only once;
 - 6.5.2 Weather sensitive cargo shall be given suitable status relative to its importance;
 - 6.5.3 Operational constraints and other concerns outside the control of the Port;
 - 6.5.4 Strategic nature and value of cargo to the public and Port;
 - 6.5.5 Priority of cargo in relation to the economic interests of the country;
 - 6.5.6 Gap allocation shall be confirmed and finalized at the daily berth planning meeting;
 - 6.5.7 Only a Berth Planner will allocate the Gap to a vessel that meets the criteria outlined in 6.5.1 to 6.5.5 above.
 - 6.5.8 Port Operations officials have full authority to monitor the productivity of vessels at Berth. Any vessel that is found to be unproductive, shall be removed from berth at the vessel agent's cost.
- 6.6 All residual powers and authority in relation to all matters relating to pilotage, navigation, navigational Aids, dredging and all other matters relating to the movement and berthing of vessels within port limits vest with the Harbour Master.

7. PRINCIPLES

- 7.1 The Authority controls land and water use within port limits and may issue such conditions as it may determine for efficient and economic functioning of the Port.
- 7.2 Only licensed terminal operators exercise landing and shipping rights. No person is permitted to exercise such rights without a Terminal Operator License issued by the Authority.

- 7.3 All berths within the Port are common user berths and therefore there shall be no preferential berthing rights granted to any person in Maydon Wharf except under extraordinary conditions determined by the Harbour Master, in consultation with the Senior Operations Manager for the Maydon Wharf precinct.
- 7.4 The Harbour Master reserves the discretion to classify and prioritize vessel berthing in accordance with measures designed to comply with the national security, and economic interests of the Republic of South Africa and to discharge a legal obligation under the Act.

8. BERTHS

- 8.1 There are nine (9) operating berths at the Maydon Wharf precinct designed to handle vessels more than 150m LOA.
- 8.2 Due to the volume and high demand for working berths, there will be no lay-bye berths in Maydon Wharf.
- 8.3 The Harbour Master retains control over all berths including all activities permitted to occur on the quayside.

9. COMPATIBILITY OF CARGO

- 9.1 Compatible Cargo will be handled within the same cluster to relieve contamination and to regulate product handling in cargo clusters (agriproducts, minerals, and liquid bulk).
- 9.2 The Authority reserves the right to allocate vessels to a berth in a way that will not interfere with operations on the adjoining berth(s).

- 9.3 Vessels handling Incompatible Cargo will not be handled simultaneously and adjacent to each other.
- 9.4 In the event of a cluster not being able to handle a product or lease conditions prohibiting the cluster from handling a product, the Authority reserves the right to assign additional handling rights to an alternative cluster to relieve any congestion that may result.
- 9.5 Compatibility of Cargo shall be determined by the Authority's Port Operations and Marine Safety in consultation with the Harbour Master and the SHE officials.
- 9.6 The Port of Durban Harbour Master's Instruction: Segmentation of Commodities in Maydon Wharf Precinct marked **Annexure A** hereto outlines the handling of commodities (agricultural/food and minerals) within the precinct.

10. BERTH PLANNING

- 10.1 Maydon Wharf works on a **First-Scheduled-First-Serve** principle.
- 10.2 A vessel will be ranked on the Bar Chart based on its confirmation of Arrival and submission of ID100, having complied with the following timelines:
 - 10.2.1 The first Notification Of Arrival **may** reach the Authority thirty (30) days and more prior to vessel Arrival **with minimum of (14) days.**
 - 10.2.2 The second Notification Of Arrival must reach the Authority fourteen (14) days prior to vessel Arrival;
 - 10.2.3 The final Notification Of Arrival must reach the Authority four (4) days prior to vessel Arrival.

- 10.3 Should a vessel not confirm Arrival fourteen (14) days prior to Arrival, the vessel will be taken off the Bar Chart.
- 10.4 Vessel agents are reminded that penalties apply to non-confirmation of four (4) days' notice prior to Arrival and this could lead to change of vessel seniority. Vessel will move one slot down.
- 10.5 Vessel agents are further reminded that no substitution of vessels is permitted in the Maydon Wharf precinct.
- 10.6 At the four (4) days Confirmation Of Arrival, 80% of cargo must be presented as confirmed to be available in respect of Export Cargo and confirmation of space availability for 80% of Cargo in respect of Import Cargo.
- 10.7 The ETA and cargo availability must be confirmed by vessel agents daily at the berth planning meeting.
- 10.8 The ID100 must be submitted and include the following information:
 - 10.8.1 ETA specifying date and time of Arrival;
 - 10.8.2 Cargo quantities to be worked;
 - 10.8.3 Required time on the berth;
 - 10.8.4 Vessel size, in terms of LOA, gross tonnage and drafts;
 - 10.8.5 Anticipated sailing/Arrival draft (for tidal purposes);
 - 10.8.6 Signed terminal confirmation of cargo booking;
- 10.9 All decisions regarding berth planning will be taken at the daily (weekdays) berth planning meetings, which shall be recorded by the Berth Planners on the Microsoft team's platform and saved for record purposes.

- 10.10 Vessel agents must attend the daily berth planning meetings for the purposes of updating their vessel ID100 information as well as vessel productivity information.

11. ETA CHANGES

- 11.1 ETA changes will be monitored from thirty (30) days prior to arrival.
- 11.2 If a vessel changes ETA and that change does not affect the next planned vessel, the vessel may maintain the Slot.
- 11.3 If a vessel changes ETA, it will be allowed a slot according to the amended ETA, taking into account all the vessels that will arrive before her.
- 11.4 If a vessel changes ETA and is arriving at the same date as another vessel but that vessel maintained her ETA, then it will be allocated a slot below that vessel. If both vessels change ETA then it will be handled on a **First-Come-First-Served Basis**.
- 11.5 Arrival ahead of schedule will not result in any form of change or preference, unless a Gap becomes available, in which instance, the vessel that takes that Gap will be treated as an Opportunistic Vessel.
- 11.6 A vessel that arrives earlier than the planned ETA will not be given preference, the planned line up will apply.
- 11.7 From the four (4) days Confirmation Of Arrival, 80% of cargo must be confirmed to be available by the Terminal Operator via the vessel agent prior to vessel Arrival and prior to berthing.

- 11.8 At twenty-four (24) hours prior to berthing, the vessel agent must provide confirmation of Arrival status of outstanding cargo, which must be provided by the terminal operator to ensure that all cargo will be received timeously.
- 11.9 Any Opportunistic Vessel wishing to utilize an open Slot or Gap that becomes vacant due to any reason whatsoever, will be accommodated in Maydon Wharf only on the Harbour Master's approval which will take into consideration the following factors, over and above those prescribed in 6.5 above:
- 11.9.1 Opportunistic Vessels are giving an opportunist slot based on arrival time at Port limits;
 - 11.9.2 An Opportunistic Vessel cannot interfere with the Scheduled Vessels;
 - 11.9.3 An Opportunistic Vessel is to vacate the berth six (6) hours prior to a Scheduled Vessel;
 - 11.9.4 An Opportunistic Vessel shall not use weather, congestion, or any other reason to justify staying longer on the berth.

12. BERTHING OF VESSELS

- 12.1 The Port of Durban works on a **First-Scheduled-First-Served** principle at the Maydon Wharf precinct and all vessels are expected to strictly accede to this principle. This means that a Scheduled Vessel is given seniority on the Bar Chart based on the date of submission of the **ID100 at 30 days or more ETA Notice with a minimum of 14 days ETA Notice.**
- 12.2 The daily berth planning meetings will be recorded on Microsoft Teams and records will be kept by the Berth Planners for record keeping purposes. These records shall be made available to any port user upon written request to the Berth Planner.

- 12.3 Decisions and resolutions taken at the meetings, which are endorsed by the Harbour Master, are to be noted on the berth planning meeting records.
- 12.4 All vessel agents/terminal operators to attend the daily berth planning meetings to provide updates on their vessel ETAs, ETDs and vessel productivity for those vessels that are working alongside.
- 12.5 The four (4) day ETA confirmation must include the following information:
- 12.5.1 date and time;
 - 12.5.2 available cargo;
 - 12.5.3 cargo loading and discharging plan;
 - 12.5.4 confirmed days to complete cargo;
 - 12.5.5 All information must be confirmed in writing to the Berth Planners.
- 12.6 If there are any disputes to the daily published Bar Chart, these are to be raised within forty-eight (48) hours, in writing to the Berth Planner.
- 12.7 Vessels working on the deep draft berths, may be required to shift to other berths once they have lightened up, to accommodate deep-draughted vessels.
- 12.8 Deep-draughted Vessels will be scheduled as required and will maintain their seniority on the berth, until such time that the alternative berth becomes available. If another deep-draughted vessel requires the berth, it will only be berthed once the Working Vessel has been allocated the alternative berth.
- 12.9 The shifting to an alternative berth should not have any impact on the vessels already scheduled for the alternative berth. The cost for shifting will be for the vessel that wishes to take up the deep draft berth.

- 12.10 In the event where two vessels are planned and both amend their Arrival times and both vessels miss their allocated Slots, these vessels will be handled on a **First-Come-First-Serve** principle.
- 12.11 Vessels that stay longer than their scheduled days on the berth will be required to move to the outer anchorage or to another berth, if available, to avoid delays to the planned vessels.
- 12.12 The move shall be at the Harbour Master's direction at the owner's cost and shall result in a penalty. The penalty will result in a vessel moving one slot down from its planned slot.
- 12.13 A vessel that warps/shifts position on the berth without a written permission from a Berth Planner impacting the Authority's operations will be held liable for all shifting and delay costs incurred by other affected vessels.
- 12.14 Vessels with fixed appliances on the quay must submit their exact position on the quay (with bollard numbers) to the Berth Planners together with their plans. Failure to do so will result in the cancellation of the vessel plan.
- 12.15 Vessels with dual loading/discharging planned cargo will be handled in that planned order with respect to time and berths and any changes will result in a nomination of a new call.
- 12.16 The Direct Discharge Rule as detailed in the New 80:20 Direct Discharge Rule will not be applied once a vessel has berthed. Vessels must familiarize themselves with the New 80:20 Direct Discharge Rule applicable to Maydon Wharf dated 19 October 2021.

- 12.17 Daily planning meetings are compulsory for the vessel agents and terminal operators as they are essential for updating the Bar Chart and other arrangements.
- 12.18 Non-compliance with any Harbour Master Instruction and the submission of incomplete or inaccurate information will result in the vessel agent having to renominate their Slot as per the fourteen (14) day rule and being moved from the Bar Chart completely thus losing its planned status.
- 12.19 Vessels accepting new cargo will have to submit new Arrival Notification and ID100 for new cargo, as well as a plan for additional berthing time on the berth, depending on the availability of the berth.
- 12.20 Nomination of berths in the Maydon Wharf precinct will be accepted for a thirty (30) day period, meaning that nominations for the current month will be shown on the Bar Chart, however, nominations for the following month/s will be on the TBA (to be advised) list on the Bar Chart. This is aimed at improving efficiencies and prevent the hogging of berths.

13. RESPONSIBILITIES

- 13.1 The Berth Planner, Senior Operations Manager and Port Inspector are responsible for commodity monitoring, documentation processing, efficient berth utilization and ship turnaround times.
- 13.2 The Harbour Master is responsible for the enforcement of the principles outlined in paragraph 4 above as well as its functions under Section 74 of the Act.
- 13.3 Port Security is responsible for compliance with the ISPS Code, combatting of criminal activity and general law enforcement within Port limits.

- 13.4 Safety, Health and Environment (SHE) is responsible for compliance to occupational health and safety, and national environmental management policies within Port limits.
- 13.5 Berth Inspectors shall inspect berths prior to Arrival and at the departure of vessels to ensure that each berth user maintains good housekeeping. Any non-compliance with berth housekeeping protocol, including cleaning up and removal of any handling material, equipment, or gear, will be for the account of the vessel agent who shall be held accountable for any costs incurred by the Authority in doing so.
- 13.6 Where non-compliance to good housekeeping protocol results in a delay in sailing of the vessel, including any other vessel impacted by such delay, the costs of such delay shall be for the account of the vessel agent.

14. ADVERSE WEATHER CONDITIONS

- 14.1 Vessels affected by adverse weather conditions such as rain, wind etc. for more than twenty-four (24) hours may be required to vacate the berth should there be a vessel that can work in such weather conditions.
- 14.2 The cost for moving off the berth will be for the vessel that wishes to take up that slot and the vessel that is weather-bound will be allowed to return to the berth as soon as the berth becomes available. The nature of delays and the impact thereof shall be discussed and monitored at the daily berth planning meetings.

15. BERTHING PLANNING PROCEDURE

- 15.1 Vessel agent submits ID100 to Berth Planners in writing thirty (30) days or more prior to vessel Arrival, **with minimum of (14) days;**
- 15.2 Berth planner acknowledges ID100 and enters it on the Bar Chart;
- 15.3 Information is then entered into the VTS log;
- 15.4 ID100 is filed according to the purpose of the call in the relevant worksheet.
- 15.5 Bar Chart is updated every twelve (12) hours.
- 15.6 Berth Planner convenes the daily berth planning meeting during weekdays on Microsoft Teams from 10:30 to 11:30 and adjusts information submitted on the Bar Chart accordingly;
- 15.7 Berth Planner makes the updated Bar Chart available to vessel agents daily and receives updates on ETA and ETD on vessels;
- 15.8 All vessels that are on the Berth Planner's list of Arrivals/ shifting must be placed on the current vessel file;
- 15.9 The Berth Planners list is valid for twenty-four (24) hours and issued at +/- 14:00 daily;
- 15.10 The Berth Planners list is distributed to Senior Vessel Traffic Controller, Vessel Traffic Controller (Inside), Vessel Traffic Controller (Outside), Vessel Traffic Controller Assistant and Senior Berthing Master.

BERTH PLANNING PROCEDURE FLOW CHART

