

DINGHIES & OTHER WATERCRAFT MANAGEMENT POLICY

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**PREPARED BY:
ASSET SERVICES UNIT**



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SUTHERLANDSHIRE

1. PURPOSE

To enable the ordered management and control of the storage of dinghies and other watercraft management on public land around the foreshore areas of the Sutherland Shire. The Policy contains restrictions relating to:

- The type and size of vessels which can be stored on public land,
- Determination of suitable storage locations,
- Areas not suitable for storage.

2. APPLICATION

It is essential that persons who wish to store a dinghy on public land are aware of the right of the public to gain free and unrestricted access to public land and the waterways shoreline. Appointed officers and authorised staff will monitor positioning of dinghies to ensure this outcome, to ensure consideration and courtesy. Application of this Policy will:

- Rationalise the number of dinghies stored on public land by the removal of derelict, abandoned or unauthorised vessels,
- Reduce Council's exposure to litigation,
- Improve access within open space parkland and public access to foreshore reserves,
- Improve maintenance of reserves by reducing the number of dinghies stored on public land,
- Reduce the amount of damage to trees and native vegetation caused by the tethering of dinghies.

3. PRINCIPLES

3.1. Application of Principles

No one principle should be applied to the detriment of another. Principles must be collectively considered and applied to the extent that is reasonable and practicable in the circumstances.

3.2. **Dinghies and other watercraft will be permitted to be stored on public land, subject to conditions.**

Dinghies form an integral part of the Sutherland Shire aquatic environment, and are essential for accessing moored vessels and for the enjoyment of waterways and its facilities.

3.3. **Council will regulate the storage of dinghies where environmental and safety issues emerge.**

Many areas of public land on the waterways shoreline have dinghies and other watercraft stored, which cause no adverse effect on the environment or on the public's use and enjoyment of the public land. At those locations where dinghy storage raises matters of concern, investigations may be undertaken and appropriate steps undertaken.

3.4. **Storage of vessels is restricted to authorised vessels.**

Defining authorised vessels will improve the shoreline and waterways environment by reducing the number of large and inappropriate vessel types from being stored on public land. Dinghies and other watercraft used to access moored vessels, and used to access the waterways for fishing and recreational activities, may be stored.

3.5. **Dinghies and other water craft must be in a seaworthy condition and in good repair.**

Dinghies and other watercraft should be capable of performing the task required, and any unseaworthy or abandoned vessels are not permitted to occupy public land.

3.6. Dinghies and other watercraft must not impede access along the waterways shoreline.

Members of the public have a right to access public land along the shoreline of the waterways and its tributaries without undue restriction, and to do so in a safe manner. Dinghies and other watercraft must be placed in locations so as not to impede access to or along the waterways shoreline, or any tributaries shoreline.

3.7. Storage of Dinghies and other watercraft must not impact vegetation or the shoreline.

Shoreline riparian vegetation is critical to stabilise and improve the environment and vista of the waterways. Placement of dinghies and other watercraft must be away from and not tethered to trees, or over areas of riparian vegetation. Storage of the vessel must not impact the stability of the shoreline, native vegetation, established groves or individual trees.

3.8. The implications of this Policy are to be advertised to the public.

Through education and interpretive measures, Council will assist the public to understand the implications of this Policy, relevant State legislation, the responsibilities of dinghy owners as well as Council's management and enforcement procedures.

3.9. Annual inspection of dinghy and other watercraft storage will be undertaken.

Inspections will be undertaken on an annual basis to ensure dinghies and other watercraft are stored in keeping with this Policy

3.10. This Policy specifically excludes commercial operations craft.

Commercial operators are not permitted to store dinghies along the waterways shoreline or on public land.

4. RESPONSIBILITIES

4.1. Responsible Officer

The Team Leader Open Space Assets is the Responsible Officer for this policy and is responsible for updating and application of this Policy.

4.2. Council

In accordance with the Local Government Act 1993, Council is responsible for administration of this Policy.

4.3. Chief Executive Officer

Council has delegated the Chief Executive Officer the authority to meet Council's obligations within the Policy.

4.4. Directors

Directors are responsible for ensuring their Division adheres to the requirements of this policy and provide guidance in respect of achievement of the objectives of the Policy within their division and the organisation.

4.5. Staff

Staff must adhere to the requirements of this policy and operate within the authorities of their delegations.

5. MONITORING

Council has authorised officers (Inspector) who will enforce the provisions of the Local Government Act 1993, the Crown Lands Act 1989 and the Roads Act 1993. Police officers may also enforce the provisions of the relevant Acts and Regulations. Authorised officers may make regular patrols of public spaces, including public roads, parklands, beaches and bushland reserves. Fines will be issued to persons for non-

compliance with the relevant Act or Regulation, any signs placed by Council or Council policies that may be applicable.

Council's approach to enforcement under this Policy will rely on community education in the first instance followed by caution and in circumstances of repeated breach, impoundment of boats or issue of infringements where appropriate. Where native trees are being damaged by chains or other fixings, immediate action will be taken to cease the cause of damage.

Council will review this policy within four years or at the request of Council or in response to legislative and statutory requirements.

6. RECORD KEEPING, CONFIDENTIALITY AND PRIVACY

Council adheres to and complies with the NSW State Records Act 1998 and Privacy and Personal Information Protection Act 1998 through its Enterprise Content Management Policy and Privacy Policy.

7. BREACHES OF POLICY

Breaches of this policy will be dealt with in accordance with normal disciplinary procedures and will be advised to the Chief Executive Officer and / or Director Shire Infrastructure, via the Manager Asset Services.

8. RELATED DOCUMENTS

- Impounding Act 1993 (NSW), s.15A.

9. RELEVANT LEGISLATION, REGULATIONS AND GUIDELINES

- Local Government Act 1993 (NSW).
- State Records Act 1998 (NSW).
- Privacy and Personal Information Protection Act 1998 (NSW).
- Government Information (Public Access) Act 2009 (NSW).
- Crown Lands Act 1989
- Roads Act 1993

10. DEFINITION OF TERMS

Term	Meaning
Abandoned Vessel	A dinghy or other vessel left on public land which appears to be abandoned.
Derelict Vessel	A dinghy or other vessel left on public land which appears to be unseaworthy by the evidence of damage to affect vessel flotation and user safety.
Dinghy	For the purpose of this policy, a dinghy is defined as a single hulled vessel or watercraft up to a maximum length of 4 metres.
Outrigger Canoe	For the purpose of this policy, an outrigger canoe is a type of canoe featuring one or more lateral support floats known as outriggers.
Public Land	Public land is land that is set aside for the purpose of public recreation, or any other public purpose. Council either owns the land; the land is dedicated as public reserve and administered by Council; or is Crown land set aside for the purpose of public recreation and administered on behalf of the State Government by Council. Public land includes land that is part of a public road reservation.
Storage Facilities	Limited tethering posts will be provided by Council consistent with the Public Domain Design Manual.

Term	Meaning
Unauthorised Vessel	For the purpose of this Policy, an unauthorised vessel is a vessel not included in the 'Dinghy' or 'Outrigger Canoe' definition.

End of Document

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