



Water Craft Storage on Public Land Policy

June 2020

Policy No: CCC086

Policy owner:	Open Space and Recreation
Approved by:	Gary Murphy – CEO
Date of approval:	08/07/2020
Policy category:	Operational
Content Manager No:	D14064728
Review date:	08/07/2024

Contents

- Contents..... 2
- Purpose 3
 - Scope..... 3
 - Background..... 3
- General 4
- Compliance, monitoring and review 4
 - Records management 5
- Definitions 5
- Related resources 6
- History of revisions 7

Purpose

1. To manage the storage of water craft on Council owned or managed land in the Central Coast Local Government Area.
2. To outline Central Coast Council's management of abandoned, derelict and unauthorised water craft on Council owned or managed land.

Scope

3. This policy covers personnel employed by Council; any person or organisation contracted to or acting on behalf of Council; and any person or organisation employed to work on Council premises or facilities and all activities of the Council.
4. For many decades, water craft has been permitted to be stored on public land (see Definitions at the end of this policy) which includes, but is not limited to, public road, parklands and reserves. This activity will continue to be permitted where lawful and in accordance with this policy.
5. It is essential that persons who wish to store water craft on public land are aware of the right of the public to gain free and unrestricted access to public land. Appointed officers and authorised staff will monitor positioning of water craft and any unauthorised activities to ensure this is adhered to.

Background

6. Management of public land is an essential activity carried out by local government and individuals in response to State legislation, common law and the community's desire to maintain the amenity, sense of place and freedom of choice in the LGA. Mismanagement of public land can detrimentally affect aspects of health, safety and enjoyment of urban life.
7. In recognition of the social, recreational, operational and practical benefits of water craft storage adjoining the lakes and its estuaries, this policy outlines Central Coast Council's philosophy of the management of water craft on public land and provides guidelines by which management can be achieved.
8. Informal and ad-hoc storage of watercraft can be unsightly, potentially dangerous, degrading to the environment, impede or restrict public access to public space and leave Council open to legal risk. Council's Water Craft Policy will address the management of these issues created by abandoned, derelict and unauthorised craft, or where dense storage occurs creating any of the issues.
9. For many decades, water craft has been permitted to be stored on public land which includes, but is not limited to, public road, parklands and reserves. This activity will continue to be permitted.

10. It is essential that persons who wish to store water craft on public land are aware of the right of the public to gain free and unrestricted access to public land. Appointed officers and authorised staff will monitor positioning of water craft and any unauthorised activities to ensure this is adhered to.

General

11. Council will manage the storage of water craft on public land for the benefit of water craft owners and for the convenience and enjoyment of the broader community accessing public land. Cooperative management will also allow for greater maintenance of public land by Council staff.
12. Derelict, abandoned or unauthorised water craft may be removed and impounded or disposed of by Council as per the *Impounding Act 1993*.
13. Removal and impoundment or disposal of derelict, abandoned and unauthorised craft will be undertaken if after three months of the placement of a Notice of Intended Removal, the craft has not been claimed and identified as operable.
14. The craft owner may relocate craft to a suitable location on private land (with the land owner/occupier's permission).
15. In areas of dense craft storage, Council may choose to conduct an audit to remove any abandoned, derelict or unauthorised craft from the area.
16. In areas of dense craft storage, Council may choose to provide purpose built public water craft storage facilities.
17. Fees are payable as provided for in Council's Fees and Charges Schedule. Fees will be reviewed annually in line with Council's review of fees and charges.

Compliance, monitoring and review

18. Suspected breaches or misuse of this policy are to be reported to the Chief Executive Officer. Alleged breaches of this policy shall be dealt with by the processes outlined for breaches of the Code of Conduct, as detailed in the Code of Conduct and in the Procedures for the Administration of the Code of Conduct.
19. It is the responsibility of Council employees and agents thereof to have knowledge of, and to ensure compliance with this policy.
20. Council authorised officers will enforce the provisions of the *Crown Land Management Act 2016*, the *Impounding Act 1993*, the *Local Government Act 1993* and the *Roads Act 1993*.
21. Police officers may also enforce the provisions of the relevant Acts and Regulations.

22. Fines may be issued to the appropriate person for non-compliance with the relevant Act or Regulation, any signs placed by Council, or Council policies that may be applicable.
23. Signage to control storage of water craft on public land will be installed and maintained as required, at the appropriate locations within parks, reserves and roads.

Records management

24. Staff must maintain all records relevant to administering this policy in a recognised Council recordkeeping system.
25. This policy will be reviewed at least once every four years.

Definitions

26. In this policy:
 - a. **Abandoned and Derelict Craft:** means water craft stored on public land which appears to be unseaworthy by evidence of damage which may affect vessel flotation and user safety or appears to be abandoned and remains unclaimed after an official Council notice is placed on the craft by Council authorised officers. An official Council notice will be placed on derelict craft by Council authorised officers requiring the owner of the craft to claim the craft and prove its seaworthiness. A derelict vessel may be retained onsite at Council's discretion or removed by Council authorised officers as per the *Impounding Act 1993*.
 - b. **Operable Craft:** means any water craft stored on public land which appears seaworthy or has been verified as operated in the last three months by the craft owner.
 - c. **Public Land:** means any community land, and/or Crown Land reserves where Council is the Crown Trust Manager, used for structured or casual recreational activities including beaches, foreshores, estuaries, informal passive reserves and active recreation areas.
 - d. **Storage Facilities:** means purpose built public storage structures for water craft. Storage facilities shall be constructed in a fashion, and located in a position, so as not to adversely affect the visual amenity of public land or inconvenience neighbouring houses. Storage facilities may be of varying material and/or design e.g. in the form of vertical or horizontal metal racks, stand -alone vertical tie-posts or horizontal fixed rails. Public use of Council storage facilities will be on a 'first in best dressed' basis.
 - e. **Unauthorised Craft:** relates to any water craft stored on public land that is:
 - a. inappropriately stored at storage facilities
 - b. anchored to vegetation and/or a Council asset that is not provided for that purpose e.g. fencing, signage posts

- c. stored on or within an operating Council asset including a stormwater treatment zone, stormwater outlet, drainage channel.
- d. directly affecting riparian vegetation. For the purpose of this policy, riparian vegetation is defined as vegetation on land that adjoins, directly influences or is influenced by a body of water.
- f. **Water Craft:** means any single or multi-hulled marine vessel, a medium/large trailable vessel, catamaran, sailboard, jet-ski, surfboard, work punt, pontoon, sailboat, rowing skull, inflatable boat, canoe, kayak and the like up to a maximum length of 3.0 metres.

Related resources

27. Legislation:

- a. [Crown Land Management Act 2016 \(Cwlth\)](#)
- b. [Impounding Act 1993 \(NSW\)](#)
- c. [Local Government Act 1993 \(NSW\)](#)
- d. [Roads Act 1993 \(NSW\)](#)

28. Associated Council documents:

- a. [Code of Conduct](#)
- b. [Delegations of Authority Policy](#)
- c. [Fees and Charges Schedule](#)

History of revisions

Amendment history	Details
Original approval authority details	Gary Murphy - Chief Executive Officer 
	<hr/> 08/07/2020 <hr/> <p>This policy is to manage the storage of water craft on Council owned or managed land in the Central Coast Local Government Area; and to outline Council’s management of abandoned, derelict and unauthorised water craft on that land.</p> <p>This policy replaces the former Wyong Shire Council <i>Policy for Water Craft Storage on Public Land (WSC104) dated 10/9/2014.</i></p>