



POLICY No: WSC104

OCTOBER 2014

NOTE: THIS POLICY IS FOR INFORMATION ONLY – FULL IMPLEMENTATION IS PLANNED FOR EARLY 2015.

POLICY FOR WATER CRAFT STORAGE ON PUBLIC LAND

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CERTIFIED A TRUE COPY OF POLICY ADOPTED BY COUNCIL

AUTHOR SIGNATURE	
COUNCIL RESOLUTION DATE	10 SEPTEMBER 2014

History of Revisions:

Version	Date	TRIM Doc. #
1	10/9/2014	D03296189

A. POLICY SUMMARY

- A1 This Policy details the proposed management and control of water craft on public land within Wyong Shire and outlines Wyong Shire Council's management of abandoned, derelict and unauthorised water craft on public land.

B. POLICY BACKGROUND

- B1 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 Shire. Mismanagement of public land can detrimentally affect aspects of health, safety, and enjoyment of urban life.
- B2 In recognition of the social, recreational, operational and practical benefits of water craft storage adjoining the lakes and its estuaries; this Policy outlines Wyong Shire Council's philosophy of the management of water craft on public land, and provides guidelines by which management can be achieved.
- B3 For many decades, Wyong Shire Council has permitted water craft to be stored on public land which includes, but is not limited to, public roads, parklands and reserves. This activity will continue to be permitted within the guidelines detailed by this Policy.
- B4 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. Management will also allow for greater maintenance of public land by Council staff.
- B5 Informal and ad-hoc storage of water craft 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 aforementioned issues.
- B6 In areas of dense craft storage, Council may choose to provide purpose built public water craft storage facilities.

C. DEFINITIONS

- C1 **Abandoned and Derelict Craft** shall be defined as 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 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*.
- C2 **Council** means the elected representatives, Councillors, who form the governing body of Wyong Shire Council and the organisation responsible for the administration of Council affairs an operations and the implementation of Council policy and strategies.
- C3 **Operable Craft** is defined as water craft stored on public land, which appears sea worthy or has been verified as operated in the last three months by the craft owner.
- C4 **Public Land** Public land is land that is set aside for the purpose of public recreation, or any other public purpose where 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.

- C5 **Storage Facilities** shall be defined as 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 fixing rails. Public use of Council storage facilities will be on a 'first in best dressed' basis. Water craft storage facilities will be available free of charge to the public.
- C6 **The Act** means the *Local Government Act NSW 1993*.
- C7 **Unauthorised Craft** shall be defined as water craft stored on public land that is:
- anchored to vegetation and/or a Council asset that is not provided for that purpose e.g. fencing, signage posts etc
 - stored within or on an operating Council asset including a stormwater treatment zone, stormwater outlet, drainage channel etc. Unauthorised craft also includes craft which are not stored where suitable storage facilities have been made available, or are stored inappropriately at storage facilities
 - 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
- C8 **Unauthorised Furniture** shall be defined as items placed on public land by the public without the permission of Council. Such items include, but are not limited to, tables and chairs, hammocks, play equipment etc.
- C9 **Water Craft** shall be defined as 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.

D. POLICY STATEMENTS

Jurisdiction

- D1 This Policy covers all elected members of Council, all personnel employed by Council, any person or organisation contracted to or acting on behalf of Council, any person or organisation employed to work on Council premises or facilities and all activities of the Council.
- D2 This policy does not confer any delegated authority upon any person. All delegations to staff are issued by the General Manager.

Current Legislation

- D3 Council is the responsible authority to manage activities which occur on public land under State enacted legislation and local regulations.

Crown Lands Act 1989

- D4 Council is empowered under provisions contained in the Crown Lands Act 1989 to control, restrict, or prohibit any activity that occurs, or is likely to occur, on Crown land reserved for Public Recreation.

Local Government Act 1993

- D5 Under Section 632 of the Local Government Act 1993, Council is empowered to control, restrict, or prohibit any activity that occurs, or is likely to occur, on public open space.

Impounding Act 1993

- D6 Under Section 15 of the Impounding Act 1993, an impounding officer may impound an article found in the officer's area of operations if the officer believes on reasonable grounds that the article has been abandoned or left unattended. **Note:** The Local Government Act 1993 gives a Council power to order the removal of an object or matter that is causing or likely to cause an obstruction.

Roads Act 1993

- D7 Under Division 3 of the Roads Act 1993, Council is empowered to authorise use of, and deal with obstructions on road reservations.

Courtesy

- D8 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 and the lake shoreline. Appointed officers and authorised staff will monitor positioning of water craft to ensure this outcome, as well as consideration and courtesy.

E. POLICY IMPLEMENTATION - PROCEDURES

- E1 It is the personal responsibility of all Council employees and agents thereof to have knowledge of, and to ensure compliance with this policy.
- E2 Council authorised officers (Rangers) will enforce the provisions of the Local Government Act 1993, the Crown Lands Act 1989, the Impounding Act 1993 and the Roads Act 1993.
- E3 Police officers may also enforce the provisions of the relevant Acts and Regulations.
- E4 Council Rangers make regular patrols of public spaces, including public roads, parklands, beaches and bushland reserves.
- E5 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.
- E6 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.
- E7 Derelict, abandoned or unauthorised water craft may be removed and impounded or disposed of by Council Rangers as per the *Impounding Act 1993*.
- E8 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.
- E9 Unauthorised craft may be relocated to a suitable location by the craft owner to private land.
- E10 **Associated documents:**
- Crown Lands Act 1989
 - Local Government Act 1993
 - Impounding Act 1993
 - Roads Act 1993