

FILE NO: PSC2015-02099

TITLE: FORESHORE VESSEL STORAGE POLICY

OWNER: ASSETS SECTION MANAGER

1. PURPOSE:

- 1.1 To provide a framework to enable a balance between the storage of vessels and other recreational activities as well as providing a compliance mechanism to manage this balance.

2. CONTEXT/BACKGROUND:

- 2.1 This policy was prompted due to the number of dinghies and other vessels being stored on foreshore reserves. Vessels provide resident and visitor access to the waterways of Port Stephens, however, it was noted that a number of reserves throughout the Port Stephens Council area were cluttered with abandoned and unauthorised dinghies, kayaks, canoes and catamarans. This was limiting the ability of the residents of Port Stephens and visitors to enjoy our beautiful beaches and waterways. Greater order and management of vessels is required to preserve the equitable access of foreshore reserves.

3. SCOPE:

- 3.1 Dinghy storage on foreshore reserves is only permissible with the approval of Council, under a user pay system where income will be allocated to the maintenance, improvement, enforcement and initial signage of foreshore dinghy storage facilities.
- 3.2 Kayak and canoe storage on foreshore reserves is only permissible with the approval of Council, under a user pay system at designated reserves listed in this policy.
- 3.3 A permit system will enable Council to identify vessels stored on foreshore reserves without approval, unauthorised vessels and those abandoned on foreshore reserves and subsequently will enable their removal.

4. DEFINITIONS:

- 4.1 An outline of the key definitions of terms included in the policy.

Dinghy	A single or multi-hulled vessel up to a maximum length of 3.0 metres.
Kayak and canoe	A single hull vessel up to a maximum length of 5.0 meters. Kayaks and canoes are only permitted on foreshores listed in Policy Statement 5.10.

Unauthorised vessel	Is a vessel not included in the 'dinghy' definition or the 'Kayak and Canoe' definition, this would include but not limited to any single or multi-hulled vessel over 3.0 metres in length, a medium/large trailable vessel, trailer sailer, catamaran, sailboard, jetski, surfboard, work punt, pontoon, sailboat (fitted with mast), rowing skull, inflatable boat.
Derelict vessel	Is a dinghy or other vessel left on public land, which appears to be unseaworthy by the evidence of damage to affect vessel flotation and users safety.
Abandoned vessel	An abandoned vessel is a dinghy or other vessel left on public land, which appears to be un-owned; left with no intention to use, in state of disrepair; unable to be used for its intended purpose; has no registration or has expired registration.

5. STATEMENT:

- 5.1 Port Stephens Council is committed to providing recreational facilities and services in keeping with Council's vision and key corporate objectives.
- 5.2 This policy will allow Council to fund the maintenance and construction of storage facilities through the collection of fees. The registration will be 12 months, with renewal occurring during July for the financial year. A 6 month registration will be available from January to June of the same financial year.
- 5.3 Dinghy, kayak and canoe storage will be managed to ensure there is minimal environmental impacts.
- 5.4 Inspections will be undertaken as required to determine the percentage of registered vessels.
- 5.5 Those vessels not registered or with an expired registration will be deemed abandoned and removed from the foreshore.
- 5.6 Registered dinghies will be permitted to be stored on any Council managed foreshore reserve. Where a designated storage area is provided, registered vessels must be stored within the designated area. All vessels stored outside of these designated storage areas are to be removed and impounded by Council authorised officers. These vessels will be held at Council's impound and may be disposed of in accordance with the Public Spaces (Unattended Property) Act 2021.
- 5.7 Dinghies, kayaks and canoes without a permit sticker and stored on a dinghy storage rack will be removed under the Public Spaces (Unattended Property) Act 2021.
- 5.8 Owners of unregistered vessels that have been removed from the foreshore will have 3 months to retrieve their vessel. If the vessel has not been claimed after 3 months, it may be sold by tender.
- 5.9 Council managed foreshore reserves with designated storage areas include:
 - Shoal Bay Foreshore Reserve, Shoal Bay

- Marrungbangbaa Reserve, Shoal Bay
- Dutchman's Beach, Nelson Bay
- Corlette Point Park, Corlette
- Roy Wood Reserve, Corlette
- Georges Reserve, Salamander Bay
- Wanda Beach Reserve, Salamander Bay
- Kangaroo Point Reserve, Soldiers Point
- Everitt Park, Soldiers Point
- Sunset Beach, Soldiers Point
- Taylors Beach Foreshore, Taylors Beach
- John Parade Foreshore, Lemon Tree Passage
- Koala Reserve, Lemon Tree Passage
- Lilli Pilli Park, Lemon Tree Passage
- Nyrang Reserve, Lemon Tree Passage
- Foster Park, Tanilba Bay
- Peace Park, Tanilba Bay
- Swan Park, Tanilba Bay.

5.10 Kayaks and canoes are permitted to be registered and stored within the designated storage areas of the following reserves:

- Dutchman's Beach, Nelson Bay
- Tanilba Park, Tanilba Bay (no storage area provided)
- Foster Park, Tanilba Bay
- Peace Park, Tanilba Bay.

The registration and storage of kayaks and canoes on all other foreshore reserves is unauthorised.

5.11 Council will review the registration fee annually.

6. RESPONSIBILITIES:

6.1 The Assets Section Manager has overall responsibility for implementation of this policy.

7. RELATED DOCUMENTS:

- 7.1 State Environmental Planning Policy (Coastal Management) 2018.
- 7.2 Crown Land Domestic Waterfront Licences – Guidelines 2018.
- 7.3 Local Government Act 1993.
- 7.4 Public Spaces (Unattended Property) Act 2021.

CONTROLLED DOCUMENT INFORMATION:

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EDRMS container No.	PSC2015-02099	EDRMS record No.	23/329533
Audience	Community, Assets Section, Community and Recreation, Staff and General Manager		
Process owner	Assets Section Manager		
Author	Community Assets Coordinator		
Review timeframe	3 years	Next review date	28 November 2026
Adoption date	14/4/2015		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	14/04/2015	Community and Recreation Coordinator	Adopted by Council.	086
2	23/07/2019	Community and Recreation Coordinator	Reviewed and Updated in Council new Policy Template. Policy Owner – Updated. 2.1, 2.2, 2.3, 5.1 Reworded to improve content. 5.1 Removed due to definitions are identified in 4.1. 5.3 Additional wording. 7.1, 7.2, 7.3 Removed old policy and added new policy. Adopted by Council.	166
3	27/04/2021	Community and Recreation Coordinator	Reviewed and Updated in Council new Policy Template. Amendments following Notice of Motion tabled 10 Nov 2020 Ordinary Council meeting to amend	098

Version	Date	Author	Details	Minute No.
			<p>policy to permit kayaks/canoes at selected reserves.</p> <p>Title of policy amended to Foreshore Vessel Storage in line with Notice of Motion.</p> <p>1.1, 3.3 & 5.5 Word 'dinghy' interchanged with 'vessel'.</p> <p>2.1, 2.3, 6.2, 6.3 & 6.5 Deleted.</p> <p>2.2 Reworded to improve content.</p> <p>3.1 Reworded "foreshore reserves is only permissible with the approval of Council".</p> <p>3.2 Added "Kayak and Canoe storage on foreshore reserves is only permissible with the approval of Council, under a user pay system at designated reserves list".</p> <p>3.3 Added "vessels stored on foreshore reserves without approval, unauthorised vessels and those abandoned on foreshore reserves.</p> <p>4.1 Added "Kayak and Canoe" definition. Added "Kayaks and Canoes that do not meet the above definition to "Unauthorised vessel" definition.</p> <p>Added to Abandoned vessel definition "left with no intention to use, in state of disrepair; unable to be used for its intended purpose; has no registration or has expired registration."</p> <p>5.2 Added "This policy will allow Council to fund the maintenance and construction of storage facilities through the collection of fees.</p> <p>5.3 Added "Dinghy, kayak and canoe storage will be managed to</p>	

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			<p>ensure there is minimal environmental impacts.</p> <p>5.4 Reworded to improve content.</p> <p>5.5 Added “or with an expired registration”.</p> <p>5.6 Added “Registered dinghies will be permitted to be stored on any Council managed foreshore reserve. Where a designated storage area is provided, registered vessels must be stored within the designated area. All vessels stored outside of these designated storage areas are to be removed and impounded by Council authorised officers.” from 5.9.</p> <p>5.7 Added “kayaks and canoes”.</p> <p>5.9 Sentences removed and added to 5.6. Added additional locations.</p> <ul style="list-style-type: none"> • Marrungbangbaa Reserve, Shoal Bay. • Lilli Pilli Park, Lemon Tree Passage. • Nyrang Reserve, Lemon Tree Passage. • Peace Park, Tanilba Bay. • Swan Park, Tanilba Bay. <p>5.10 Added “Kayaks and canoes are permitted to be registered and stored within the designated storage areas of the following reserves:</p> <ul style="list-style-type: none"> • Dutchman’s Beach, Nelson Bay. • Tanilba Park, Tanilba Bay (no storage area provided). • Foster Park, Tanilba Bay. • Peace Park, Tanilba Bay. <p>The registration and storage of kayaks and canoes on all other foreshore reserves is unauthorised.”</p>	

Version	Date	Author	Details	Minute No.
			<p>6 Added "The Assets Section Manager has overall responsibility for implementation.</p> <p>Council resolved to amend the definition of a kayak and canoe to increase the length of a vessel from 3.0 metres to 5.0 metres.</p>	
4	28/11/23	Community Asset Coordinator	<p>Change Author Title.</p> <p>5.6, 5.7 & 7.4 Remove Impounding Act 1993 and add Public Spaces (Unattended Property) Act 2021.</p>	287