

**Policy Document**

**BOAT LAUNCH POLICY**

Policy No: <b>DCSB-PM-16.04</b>	Version No: <b>1.4</b>	Administered by: <b>Manager, Regulatory Services</b>
Approved by: <b>Council</b>	Approved on: <b>23 November 2017</b>	Agenda Item/Minute Book No or Approval Ref: <b>327/17</b>
Last Reviewed: <b>November 2017</b>	Review Date <b>January 2019</b>	File No: <b>F16/820</b>
Classification: <b>Property Management</b>		
Strategic Plan link: <b>Strategy 1.1.7</b> Ensure compliance of relevant Council policies and procedures with legislative requirements.		
References and related Policies & Procedures: <b>Local Government Act, 1999</b> <b>Expiation of Offences Act, 1996</b> <b>District Council of Streaky Bay – Local Government Land By-Law No.4 of 2017</b> <b>District Council of Streaky Bay – Permits and Penalties By-Law No 1 of 2017</b> <b>DCSB-IFM - 13.01 Records Management Policy</b> <b>General Disposal Schedule 20v5</b>		

**1. Introduction**

This Policy applies to the waters adjoining the Moores Boat Ramp Area.

Situated within the Moores Boat Ramp Area is the Moores Boat Ramp, which provides a quality facility for the launching and retrieval of boats. Maintenance and renewal of the infrastructure is the responsibility of Council and this Policy provides for the establishment of a fee system to generate funds for this purpose.

Clause 9.10.1 of the Council's Local Government Land By-law ('the By-law') provides that no person shall, without the Council's permission, launch or retrieve a boat to or from any waters that the Council has determined.

The Council has determined that its permission must be obtained under the By-law to launch or retrieve a boat from the waters adjoining the Moores Boat Ramp Area. Such permission is to be given in the form of a boat launch permit issued in accordance with this Policy.

## 2. Policy Objective/Statement

To regulate the use of Moores Boat Ramp Area, which is under the care and control of Council and to implement a fee system to assist in meeting the maintenance and renewal costs of the infrastructure.

## 3. Definitions

**Authorised distributor** means a business or person authorised to issue permits in accordance with this policy and associated procedures.

**Boat** includes a raft, pontoon or personal watercraft or other similar device.

**Commercial/Professional Operator** is an incorporated body that uses the Moores Boat Ramp for the purposes of generating an income and/or business from fishing and/or aquaculture related activities.

**Council Offices** means the Council Offices at 29 Alfred Terrace, Streaky Bay, or the Visitor Information Centre, at 21 Bay Road, Streaky Bay.

**Daily Permit** means a permit purchased from the Council Offices, or an authorised distributor, authorising the permit holder named on the permit to launch and retrieval of a boat within the Moores Boat Ramp Area within the date of permitted use.

**Emergency Vessel** means a vessel that is used in the course of an emergency situation. An emergency Vessel shall be defined as a vessel that is operated by an emergency service organisation including but not limited to; Country Fire Service, State Emergency Service, Coast Guard, SA Ambulance and SAPOL.

**Financial Year Permit** means a permit purchased from the Council Offices authorising the permit holder named on the permit application to launch and/or retrieval of a boat at Moores Boat Ramp and is valid from the date of purchase until the following 30 June.

**Launch and Retrieval** means the launching or retrieval of a boat using the facilities within the Moores Boat Ramp Area, extending to parking a vehicle and/or trailer within the Moores Boat Ramp Area for the purposes of launching or retrieving a boat.

**Monthly Permit** means a permit purchased from the Council Offices, or authorised distributor, authorising the permit holder named on the permit to launch and/or retrieval of a boat at Moores Boat Ramp within 31 consecutive days from the date of purchase as defined on the permit.

**Moore's Boat Ramp Area** means that area defined in Attachment 1.

**Permit** means a document providing permission to identified permit holders to use Moore's Boat Ramp for launching and retrieving boats for a specified period subject to terms and conditions and may include, but not be limited to, Financial year, Weekly, Daily and Monthly Permit.

**Officer** means a Council Officer or any other authorised person.

**Weekly Permit** means a permit purchased from the Council Offices, or authorised distributor, authorising the permit holder named on the permit to launch and retrieval of a boat at Moore's Boat Ramp within 7 consecutive days as defined on the permit.

#### **4. PERMIT FEES AND CHARGES**

From 1 September 2012 all users of Moore's Boat Ramp whom launch or retrieve a boat have been required to pay a fee. The quantum of these will be set by Council and reviewed annually as part of the annual fees and charges. The fees will be set to reflect the forecast ongoing maintenance, replacement costs and compliance monitoring over the estimated life of the boat ramp and will only be used for these purposes. All fees and charges will be payable from 1 July each year.

Separate fees will be applicable to recreational users and commercial/professional operators.

There are no pensioner concessions available.

#### **5. FINANCIAL YEAR PERMIT**

A Financial Year Permit Application fee must be paid prior to the Financial Year Permit being issued.

The Financial Year Permit must display as a minimum; Permit Number, Name of the nominated person/entity, Date of Validity and Council Logo.

Financial Year Permits can only be purchased from the Visitor Information Centre or Council Office.

The permit shall be valid from the date of purchase to the following 30 June.

#### **6. DAILY WEEKLY AND/OR MONTHLY PERMIT**

The Daily, Weekly and/or Monthly permit does not require an Application to be completed.

The Daily, Weekly and/or Monthly permit must display as a minimum; Nominated Person, Number of Days valid for, Date(s) of Validity and Council Logo.

Daily and/or weekly permits are available from the Visitor Information Centre, Council Office and Authorised Distributors.

A permit shall be valid within the dates permitted on the permit, being for the appropriate period paid for.

## **7. PERMIT ISSUE**

A permit will be issued upon receipt of a completed application form (for Financial Year Permit) and payment of the applicable permit fee.

A permit applies only to the permit holder named on the permit or application form (for Financial Year Permits) and are issued subject to the conditions contained thereon.

Only one permit is issued for each permit fee.

Commercial/Professional Operators who require additional permits will be required to pay the full commercial fee for each permit they require, excluding replacement permits.

## **8. PERMIT REPLACEMENT**

It shall be the responsibility of the permit holder to ensure permits are legible and kept in good condition.

The issue of a replacement permit may incur a fee, this fee shall be determined by Council in its annual fees and charges.

## **9. PERMIT DISPLAY**

When using Moores Boat Ramp for the launch and retrieval of a boat, it is the responsibility of the permit holder to ensure the permit is displayed in a prominent position on the dash board of the towing vehicle.

If the permit is not visible, or becomes dislodged from the dashboard for any reason, responsibility lies with the permit holder to rectify.

## **10. PERMIT ADMINISTRATION**

A register will be maintained of all financial year permit holders and be kept at the Council offices.

## **11. EXEMPTION**

Permits are not required for designated emergency vessels, and watercraft not requiring registration.

The Chief Executive Officer has authority to exempt organisations involved in search and rescue at sea from the requirement to purchase a permit.

## 12. AUTHORISED DISTRIBUTOR

Authorised Distributors shall be determined by an expression of interest process.

Authorised Distributors shall receive commission for sales, the amount of commission shall be negotiated between Council and the distributor.

## 13. SIGNAGE

Council shall erect signs or notices in a prominent position on, or in the immediate vicinity, of the land to which the policy applies stating the locations where a permit may be purchased.

## 14. ACCESS

The issuing of a permit does not guarantee access to the Moores Boat Ramp Area during peak periods.

## 15. OFFENCE

Launching and/or retrieving a boat from the waters adjoining the Moores Boat Ramp Area without a valid permit, is an offence under clause 9.10.1 of the By-law, unless an exemption under this Policy applies.

A person launching and/or retrieving a boat from the Moores Boat Ramp Area must provide his/her permit to an Authorised Officer upon request. If a permit is not produced, an Authorised Officer may issue an expiation notice to the person.

The maximum penalty for breach of the By-Law is \$750. The expiation fee set by the Council for a breach of clause 9.10.1 of the By-law is set out in council's fees and charges which is reviewed annually.

Council officers appointed as authorised persons under the *Local Government Act 1999* are authorised to issue expiations notices for a breach of the By-law.

## 16. Delegations

Council delegates to the Chief Executive Officer and anyone acting in that position, the power to:

- approve, amend and review any procedures that shall be consistent with this Policy; and
- grant and/or revoke boat launch/retrieval permits; and
- exempt organisations involved in search and rescue at sea from the requirement to obtain a permit; and
- determine and appoint authorised distributors.

The Chief Executive Officer may sub-delegate these powers as the Chief Executive Officer considers fit.

**17. Records Management**

All records shall be kept and disposed of in accordance with councils Records Management Policy & Procedure and the General Disposal Schedule 20 Version 4.

**18. Availability of Policy**

This policy will be available for inspection at the Council's principal office during ordinary business hours at no charge. Copies of this policy may be obtained upon request at a cost to be determined by Council from time to time. A copy of the policy will be available on Council's website.

**19. Public Consultation**

Adoption of the Annual Business Plan.

ATTACHMENT 1 – MOORES BOAT RAMP

