



Terms & Conditions for Boating Facilities



BOATING FACILITIES TERMS & CONDITIONS

INTRODUCTION:

Welcome to the Kangaroo Island Council Boating Facilities Terms & Conditions (Rules of the Boating Facilities), which set the basic responsibilities, parameters and behaviours expected of users.

The Boat ramp facilities are provided as recreational and commercial boating facilities.

1. SCOPE:

These Boating Facilities Terms and Conditions apply to all vessel owners and their guests and/or clients using the facilities. Please refer to Council website for <http://www.kangarooisland.sa.gov.au/boating> for locations and facilities provided at each location.

2. DEFINITIONS:

Boating Facilities means wharfs, jetties, boat ramps and other boat launching facilities

Boating Facilities Committee means the committee authorised by Council to oversee the development and maintenance of Council's marina, wharf, jetty, pier and boat launching and mooring facilities.

Council means the Kangaroo Island Council.

Common Areas means all areas encompassing the Boating facility environs including the entry road, pathways, carpark, boat launching ramps, pontoons, gardens, walkway, fingerboards and waters, etc.

Facility means boating facilities

Principal Vessel means the vessel owed and berthed.

Reside means a) the act or fact of dwelling in a place for some time;

b) the act or fact of living or regularly staying at or in some place for the discharge of a duty or the enjoyment of a benefit. [*Merriam Webster Dictionary*]

Term means the administrative term.

Vessel means a marina vessel of any configuration.

3. BEHAVIOR & USE:

Users of Boating Facilities:

- 3.1 must not use the facility, for any unlawful purpose;
- 3.2 must not engage in any offensive behaviour, such as being: drunk and disorderly; abusive; aggressive; obscene; etc. (see Section 7: Interference With Others);
- 3.3 must be considerate to others and not engage in activities that disturb the peace or bring discomfort to others (see Interference With Others);
- 3.4 must ensure that any children under the age of 16-years in the Common Areas shall be in the care and control of a responsible adult at all times;

- 3.5 must not, from a receptacle or personally, discharge human waste and sanitary materials into the local waters.
- 3.6 must not discharge any effluent or chemical or biological agents into the waters and/or Common Areas;
- 3.7 must comply with all laws and by-laws relating to the disposal of garbage. To support this requirement, Council provides general garbage and recycle bins within the Common Areas;
- 3.8 must not swim or dive within the Boating areas except for a valid purpose relating to the maintenance of or safe passage of a vessel;
- 3.9 must not take marine-life, other than legal-size fish, from within the Boating facility area;
- 3.10 may fish from their vessels and/or allocated Common areas only using light tackle of 2kgs maximum with no tracer or similar strengthened line;
- 3.11 must clean and dispose of fish-waste and unused bait in a manner that does not attract birds and other scavengers;
- 3.12 must not feed the fish, birds and/or other wildlife or undertake activities to attract birds or other wildlife to the Common Area;
- 3.13 must not park on or in the vicinity of the boat ramp, pontoons, Ezy-Dump or Walkways except for the express purpose of loading/unloading a vehicle;
- 3.14 may park a road-going vehicle and/or trailer in the designated parking areas adjacent to facilities
- 3.15 must comply with all reasonable directions of the Council staff in relation to personal behaviours when within the Boating facilities and associated Common Areas.

4. USE OF THE BOATRAMP SUBJECT TO CONSENT

A person bound by these Rules must not, without the consent of Council (which consent may be granted subject to conditions):

- 4.1 use the facilities for mooring a recreational vessel
- 4.2 use or store on the vessel within the facility or on any vehicle in the Common Areas any explosive or other dangerous substance, except for required fuels and cleaning agents kept in Australian Standards Approved containers;
- 4.3 effect major repairs, external painting works, fitting and refitting, etc., of any vessel within the facility;
- 4.4 Council provided Boating Facilities are **NOT** residential facilities.

Further; a person bound by these Rules must:

- 4.5 notify Council of any repairs and maintenance required to the Boating facility or to the Common Areas, including the need for any dredging of silt, repairs to the seawall, etc.; and
- 4.6 comply with all reasonable directions of the Council staff in relation to the use and operation of the Boating facilities.

5. ANIMALS

- 5.1 Subject to any laws and considerations to the contrary; a person bound by these Rules must not, without Council's written consent, keep any animal in, or in the vicinity of, the Boating Facility.

Those granted written consent shall:

- 5.2 ensure their animal/s causes no nuisance, discomfort, threat or damage to any other user and/or their property and/or damage to the Common Area;
- 5.3 ensure that any waste produced by the animal/s is controlled, cleaned and properly disposed of;
- 5.4 ensure that any damage caused by the animal/s shall be rectified and/or reimbursed at full cost to the pet-owner; and
- 5.5 register their dog/s and or cat/s with Council in accordance with the Fees and Charges Schedule.

6 BIOSECURITY / QUARANTINE RESTRICTIONS

Kangaroo Island has strict quarantine measures to ensure the future survival of agriculture and the environment. The following **cannot** be brought onto the Island:

- Honey, Bees and Bee Products.
- Potatoes for consumption or planting [unless they have been brushed free of soil, washed and are in new packaging].
- Declared weeds.
- Vines and vine cuttings.
- Foxes, Ferrets, Deer and all Rabbits.

SEVERE PENALTIES APPLY TO ANYONE FOUND IN BREACH.

MARINE PESTS

Marine pests threaten Kangaroo Island's unique marine environment. Marine pests can be transported from place to place (or translocated) by a variety of means. Some are carried by ships in their ballast water while others attach themselves to boat hulls.

To prevent marine pests from becoming established in the facilities and to protect the island's unique marine environment and its aquaculture it is essential that boat owners:

- Clean their boat hulls appropriately before arriving in Kangaroo Island's waters.
- Contact Natural Resources KI (08 8553 4444) immediately if after arrival in Kangaroo Island waters they suspect that they might have brought a marine pest along. Staff will assess if it is a pest or not, and remove it if necessary. This is a free service.

7 INTERFERENCE WITH OTHERS

A person bound by these Rules:

- 7.1 must not obstruct the lawful use of the Boating facility by any person;
- 7.2 must not use the Common Areas in a manner that unreasonably interferes with its use and enjoyment by others;
- 7.3 must not make, or allow his or her customers or visitors to make undue noise in or about the Boating Facility or the Common Areas;
- 7.4 must not interfere, or allow his or her visitors to interfere, with others in the enjoyment of their rights in relation to their use of the Boating facility or Common Areas;
- 7.5 must not carry any petroleum spirit or distillate fuel on to the Common Areas other than by the use of Australian Standard / New Zealand Standard 2906:2001 (AS/NZS 2906:2001) [Fuel Containers – Portable – Plastics & Metal, AS1940 - Storage and Handling of Flammable and Combustible Liquids] fuel containers;
- 7.6 must not berth a vessel in Common Areas on which berthing is not authorised by the Council;
- 7.7 must take reasonable steps to ensure that his or her customers, clients or visitors do not moor a vessel in parts of the Common Areas on which mooring is not authorised by the Council;
- 7.8 must not bring objects or materials into the boating facility of a kind that are likely to cause justified offence to the other members of the facility; and
- 7.9 must not allow refuse to accumulate so as to cause justified offence to others.

8 OPERATION OF VESSELS

A person bound by these Rules:

- 8.1 will observe a maximum speed limit of 4 knots or "a no wake speed" whichever is the lesser in relation to vessels operating in the Common Areas and in the navigation channel adjacent thereto;
- 8.2 must observe the standard procedures including always keeping to the right, power giving way to sail and both power and sail giving way to towing vessels and vessels being towed;

- 8.3 must ensure all vessels are registered, identified, equipped and maintained as required by law and safe practice - with particular attention to fire fighting and sea-safety equipment;
- 8.4 human waste, oil, chemicals, spirits, inflammable liquids and bilge water are not discharged from the vessel into the waters of the facility or Common Areas;
- 8.5 no garbage or other refuse is deposited into the waters of the Facility or the Common Areas and that the same is placed in the provided garbage receptacles;
- 8.6 adjacent Marina Common Areas are kept clear and clean at all times; in particular no dinghies, bicycles and other gear shall be left unattended on the Common Areas;
- 8.7 no bicycles shall be ridden and no motorised vehicles of any kind (other than wheelchairs and like vehicles used for medical reasons) shall be driven on the Boating Facility ;
- 8.8 must enter leave or manoeuvre in the facility under motorised power not sails;
- 8.9 must maintain any fender to a sufficiently high standard to the satisfaction of the Council;
- 8.10 must make prior arrangements with Council in relation to permitting persons such as workmen on to the facility Common Areas and make sure that such workmen have appropriate current public risk insurance cover;
- 8.11 commercial refuelling is prohibited within the facility Common Areas.
- 8.12 must not light or allow to be lit any open fire on the Boating facility or anywhere within the Common Areas. The use of properly constructed and maintained LPG or chemical fuelled BBQs may be used upon the vessel or within the Common Area so long as they do not:
 -) impede the movements of any other users;
 -) create a fire hazard; or
 -) cause undue disturbance to other users.