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|  | <p style="text-align: center;"><i>Boat Ramp Policy</i> Policy No. ENVPOL 22</p> | Version No: | 3 |
| | | Responsible Officer/s: | Team Leader – Environmental Health and Compliance |
| | | Classification: | Administration |
| | | Issued: | 19 June 2017 |
| | | Next Review: | May 2030 |

1. Purpose

To regulate the use of the Port MacDonnell and Blackfellows Caves Boat Ramp Areas, which are under the care and control of Council and to implement a fee system to assist in meeting the maintenance costs of the infrastructure.

2. Scope

This policy applies the Port MacDonnell and Blackfellows Caves Boat Ramps.

3. Definitions

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| <i>Boat Ramp</i> | either Port MacDonnell as shown in Attachment 1 to this Policy or Blackfellows Caves Boat Ramp as shown in Attachment 2 to this Policy |
| <i>Boat</i> | includes a raft, pontoon or personal watercraft or other similar device |
| <i>Commercial/ Professional Operator</i> | an incorporated body that uses the Port MacDonnell or Blackfellows Caves Boat Ramp for the purposes of generating an income and/or business from fishing and/or aquaculture related activities |
| <i>Council Offices</i> | the Council Offices at 324 Commercial Street West, Mount Gambier, or the Port MacDonnell Community Complex, 5 Charles Street, Port MacDonnell |
| <i>Emergency Vessel</i> | 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 |
| <i>Launch and Retrieval</i> | the launching or retrieval of a boat using the facilities within the Port MacDonnell and Blackfellows Caves Boat Ramp Area, extending to parking a vehicle and/or trailer within the Port MacDonnell and Blackfellows Caves Boat Ramp Area for the purposes of launching or retrieving a boat |
| <i>Permit</i> | a document providing permission to identified permit holders to use Port MacDonnell and Blackfellows Caves Boat Ramp for launching and retrieving boats for a specified period subject to terms and conditions and may include, but not be limited to, annual, monthly, weekly and daily |
| <i>Officer</i> | a Council Officer or any other authorised person |

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4. Policy

4.1. Introduction

Clause 9.10 of the Council's Local Government Land By-law No. 2 (**the By-law**) provides that a person must not without the permission of the Council, 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 Port MacDonnell and Blackfellows Caves Boat Ramp Areas. Such permission is to be given in the form of a boat launch permit issued in accordance with this Policy.

Further information regarding Council's boat ramps and associated permits can be found on Council's [website](#).

4.2. Permit Fees and Charges

From 1 July 2015 all users of the 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 and compliance monitoring over the estimated life of the boat ramp, as well as servicing of the Port MacDonnell Offshore Angling Club loan.

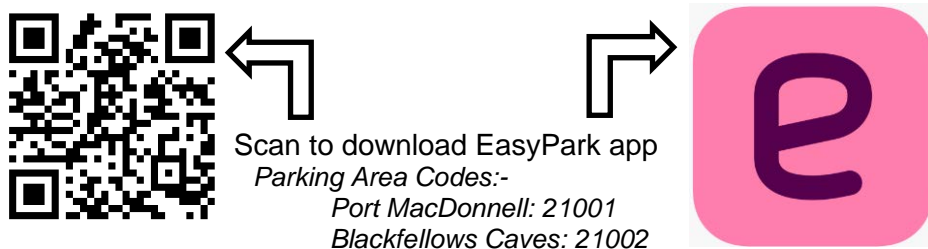
Separate fees will be applicable to recreational users and commercial/professional operators. All fees will be published in Council's annual Fees and Charges, available on Council's [website](#).

4.3. Concessions

- Any person holding a current Commonwealth Pension Card is eligible to claim a concession (recreational permits only).
- The concessional fee shall be determined by Council in its annual fees and charges.

4.4. EasyPark

From September 2023, Council has moved to management of all boat ramp permits through the EasyPark application (**the EasyPark app**), as shown below.



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Where possible, daily, weekly or monthly permit holders will be required to download the EasyPark app onto their smart device for purchase and management of their permit (alternatives will remain in place for those unable to do so).

4.5. Permit protocols

- A permit applies only to the permit holder named on the permit or application form and is issued subject to the conditions contained thereon.
- For each individual permit fee paid, a single permit will be issued.
- Each permit is for one trailer only, additional permits will need to be purchased if more than one trailer is used.
- Permits are not transferable.

4.6. Annual Permits

- Permit applicants must complete an application form (WKS008) and make full payment of the applicable permit fee.
- Once a completed application form and payment of the permit fee has been received, Council will attend to issuing the applicant with a Permit through the EasyPark app.
- Permits will be valid for 12 months from the date of purchase.

4.7. Annual Permits – Professional Operators

- Permits will be issued for the financial year (1 July through to 30 June)
- Commercial/Professional Operators who have more than one tender boat will be allowed one additional trailer per permit.
- Council is aware there are a number of Professional Operators who launch their vessel(s) from one of the boat ramps covered by this Policy a very limited number of times, to facilitate commercial fishing operations from other localities (i.e. only launching at the beginning and end of a season). In recognition of this, Professional Operators who launch their vessel(s) a maximum of five (5) times in any one 12 month period, may be eligible to pay a reduced fee. This applies per Operator, per boat ramp location, and any launches made by that Operator, regardless of the number of vessels being launched, will count towards this quota. An Operator is not entitled to claim this reduced fee per vessel.
- To be eligible for a reduced fee under this clause, Professional Operators must make a written application to Council in the manner and form stipulated by Council staff. This must be accompanied by a Statutory Declaration and will be assessed by Council staff. Such a request must be made on an annual basis. Council staff can require an applicant under this clause to provide further information in relation to their application. Incomplete applications or where further information has been requested but not supplied within a reasonable timeframe, will be refused. In such cases where an application under this clause has been refused, the applicant will still be required to obtain an appropriate permit under this Policy for use of Council's Boat Ramp facilities.

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4.8. Daily, Weekly or Monthly Permit

- The Daily, Weekly or Monthly permit does not require an application form to be completed.
- Daily, Weekly or Monthly permits will need to be obtained by the permit holder through the EasyPark app.
- A permit shall be valid within the dates permitted on the permit, being for the appropriate period paid for.

4.9. Permit Display

In line with the move to management of Council's permit system through the EasyPark app, permits are no longer required to be displayed. Users of the boat ramps identified under this Policy are however, required to produce evidence of their having obtained an appropriate permit to any Authorised Officer upon request, pursuant to clause 4.13 below.

4.10. Exemption

- Permits are not required for designated emergency vessels and watercraft not requiring registration.
- The Chief Executive Officer, Director of Environmental Services, or Director Corporate Services have authority to exempt organisations involved in search and rescue at sea from the requirement to purchase a permit.

4.11. Signage

Council has erected signage in a prominent position on, or in the immediate vicinity, of the land to which this policy applies stating the mechanism and fees associated with purchasing a permit.

4.12. Access

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

4.13. Breach of By-Laws

- Launching and/or retrieving a boat from the waters adjoining the Boat Ramp Area without a valid permit, is an offence under clause 9.10 of the By-law, unless an exemption under this Policy applies.
- A person launching and/or retrieving a boat from the Boat Ramp must provide evidence of his/her permit (i.e. via the EasyPark app) to an Authorised Officer upon request. If such evidence is not produced and/or cannot be found by Council staff, an Authorised Officer may issue an expiation notice to the person.
- The maximum penalty for breach of the By-Law is 312.50. The expiation fee set by the Council for a breach of clause 9.10 of the By-law is set out in Council's fees and charges which is reviewed annually.

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- 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.

4.14. Members of the Port MacDonnell Offshore Anglers Club

Council appreciates and acknowledges that the Port MacDonnell Offshore Angling Club (**PMOAC**) have made significant contributions towards the construction of the original Port MacDonnell Boat Ramp. In recognition of this, Council have resolved that free lifetime membership will apply for all of those volunteers who worked on the construction of the original boat ramp, and that were included on Council's Register of Volunteers for the Project as well as existing financial members of the Port MacDonnell Offshore Angling Club as at 19 July 2004 (refer to resolutions 04207.3 (19 July 2004) and 16111.2 (15 August 2016)).

This clause does not apply to commercial permits.

The current register of individuals eligible for free lifetime membership is held by Council and maintained on an ongoing basis.

4.15. Marine Facilities Reserve

Council has established a Marine Facilities Reserve to ensure all revenue received is utilised for the maintenance and operations of marine facilities at Port MacDonnell and Blackfellows Caves, including the servicing of the existing Port MacDonnell Offshore Angling Club loan. At the completion of each financial year, any residual funds (income less expenses) shall be deposited or withdrawn from the fund.

5. Responsibilities

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.

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

6. References / Other Documents

6.1. Legislation

Local Government Act, 1999

Expiation of Offences Act, 1996

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6.2. Council Policies / Procedures

District Council of Grant – Permits and Penalties By-law No. 1 of 2014

District Council of Grant – Local Government Land By-law No. 2 of 2014

7. Review

This Policy shall be reviewed by the District Council of Grant at a minimum, once within every four (4) year Council term (or on significant change to legislation or other matters which could affect this policy).

| Action | Date | Minute Reference |
|-----------------------------|------------------|--------------------|
| Adopted by Council | 19 June 2017 | 17086.1 |
| Names removed per DCEO | 16 July 2018 | Under delegation |
| Reviewed | 18 November 2019 | 19156.3 |
| Minor formatting amendments | 4 May 2020 | Governance Officer |
| Amended | 15 November 2023 | Management Team |

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ATTACHMENT 1

Port MacDonnell Boat Ramp



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ATTACHMENT 2

Blackfellows Caves Boat Ramp

