

Marina Rules

1. Interpretation

1.1 **Defined Terms:** In these Rules the following initially capitalised terms shall have the meanings specified, unless the context requires otherwise:

Berth	a berth in the Marina in respect of which a Licence has been issued to a Licensee by the Society.
Licence	a licence to use a Berth in the Marina issued by the Society to a Licensee.
Licensee	the person(s) identified as such in the Schedule to a Licence and where there is more than one person then each of them jointly and severally, and includes each such person's successors and assigns.
Manager	the Society and/or any manager of the Marina appointed by the Society to undertake any part of the on-going management of the Marina.
Marina	the marina development owned and operated by the Society and situated at Sandspit.
Rules	these rules as may be varied, amended or replaced from time to time.
Society	Sandspit Marina Society Incorporated, being a duly incorporated society and having its registered office at 1287 Sandspit Road, Sandspit and includes its successors and assigns.
Visitors Berth Pool	a pool of Berths established by the Society for use from time to time by visitors to the Marina, as provided in Rule 15.

1.2 In these Rules where the context requires or admits:

- 1.2.1 A reference to "written" or "in writing" includes facsimile, email and other forms of electronic mail communications;
- 1.2.2 A reference to *including, in particular, or similar terms* do not imply any limitation;
- 1.2.3 References to Rules, sections and schedules are to those contained in these Rules, unless stated otherwise.

2. Application

- 2.1 These Rules shall apply to all holders of Marina Berth Licences, their invitees, agents and contractors and all members of the public for all times during which they are present in or about the Marina or own or are responsible for any boat within the Marina.
- 2.2 These Rules were adopted for the regulation of activities in the Marina by a resolution of the Society on 18 September 2013 and came into force on [# 2015].
- 2.3 The Society may from time to time by a majority of not less than 75% of those of its members who are licensees of Berths and who are entitled to vote and present in person or by proxy at any general meeting of the Society add to, vary, delete or substitute new rules for these Rules.

3. Use of Marina

- 3.1 No person shall berth or knowingly permit any boat to be berthed in the Marina unless the boat is licensed to occupy a Berth or otherwise has permission in writing from the Manager.
- 3.2 The owner of any boat berthed in the Marina shall at all times ensure that:
 - 3.2.1 The fittings on such boat are of suitable strength, design and condition to adequately secure the boat.

- 3.2.2 All mooring lines are in a suitable condition and suitably protected from wear to adequately secure the boat at all times.
- 3.2.3 Only those mooring points provided are used.
- 3.3 The owner of any boat moored in the Marina shall take out and at all times keep in force a public liability insurance of such sum as the Society may from time to time require with an insurer approved by the Society such policy to cover the owner and the master of the boat against liability for claims by third parties in respect of all property damage caused by the boat within the Marina. Evidence of the holding of such cover shall be provided to the Manager upon demand being made.
- 3.4 The master, owner or other person in charge of any boat in the Marina shall obey the directions of the Manager made for the proper management and operation of the Marina.
- 3.5 The Manager shall be entitled, in the absence of the owner or master of a boat and in order to prevent any damage to any property, to enter or move such boat or carry out repairs to the boat. In such circumstances the Manager shall be deemed to be authorised to do so by the owner of the boat and such owner shall indemnify the Manager against any actions, claims, demands, costs and expenses incurred in or resulting from the exercise of the powers specified in this Rule 3.5.
- 3.6 Any person who is involved in any incident in the Marina whereby any damage is done to any property which not owned by the person causing such damage, shall report such damage to the Manager as soon as possible.
- 3.7 No person shall;
 - 3.7.1 Sail in the Marina or navigate any boat on the water at a speed greater than 5 knots or in such manner that causes damage to other property or discomfort, danger, obstacle or inconvenience to other persons, except in the case of an emergency.
 - 3.7.2 Moor or manoeuvre any boat within the Marina so as to create a danger, obstacle or inconvenience to other Marina users.
 - 3.7.3 Leave on any pier or walkway anything that restricts the passage of pedestrians.
 - 3.7.4 Erect any structure within the Marina nor attach any item to any piles, piers or walkways without the consent of the Manager.
 - 3.7.5 Use fire fighting equipment supplied by the Society for any purpose other than fighting fires.
 - 3.7.6 Solicit for business within the Marina or use a boat or any part of the Marina as a business address without the prior consent of the Manager.
 - 3.7.7 Engage in conduct that adversely affects the peace, enjoyment or privacy of Berth Licensees.

4. Pollution

- 4.1 No person shall pollute or permit the pollution of the Marina or the waters of the Marina. In particular no person shall discharge or dispose of any sewage, garbage, oil, fuel or other material on the Marina or into its waters, except into containers which may be provided for the purpose by the Manager.
- 4.2 The Manager shall not be under any obligation to provide such containers. Failure by the Manager to provide the containers referred to in Rule 4.1 shall not excuse any person from complying with the obligations specified in Rule 4.1.
- 4.3 Maintenance and repairs undertaken within the Marina must be undertaken in such a manner as to avoid the release of contaminants into the coastal marine area.

5. Living on Board

- 5.1 No person shall, without the prior written consent of the Manager, live on board any boat at the Marina or permit anyone else to do so.
- 5.2 For the purpose of Rule 5.1, the term **live on board** shall mean sleeping overnight on any boat for three (3) consecutive nights or more.

6. Children

- 6.1 All children under the age of 12 years entering into the Marina shall be accompanied by and supervised at all times by a responsible adult.

7. Swimming and Fishing

- 7.1 No person shall swim, dive, fish or engage in any other underwater activities within the Marina.

- 7.2 The provisions of Rule 7.1 shall not prohibit:

7.2.1 the underwater inspection of and minor repairs to any boat at a Berth; or

7.2.2 Cleaning the hull of any boat underwater within the Marina, provided that the requirements of Rule 9.1.2 are complied with.

8. Noise Nuisance

- 8.1 No person shall make or permit to be made any noise on a boat or elsewhere in the Marina which is likely to cause annoyance to any person and in particular:

8.1.1 All halyards, lines, ropes, rigging and sheets on any boat using a Berth or otherwise berthed in the Marina shall at all times be secured so that they do not create any noise.

8.1.2 Engines, generators and radios shall not be unreasonably operated as far as noise is concerned in the Marina.

9. Biosecurity and Pest Control

- 9.1 All persons shall comply with all applicable provisions of the Society's biosecurity risk management policies published from time to time. In particular:

9.1.1 All persons shall be familiar with the Society's manual which identifies and describes key biosecurity risk organisms;

9.1.2 The prior written consent of the Manager must be obtained for any cleaning of boat hulls or other equipment is undertaken within the Marina and the directions of the Manager must be strictly complied with in undertaking any such work;

9.1.3 If assistance and/or advice is required in relation to biosecurity risk organisms, initial contact should be made with the Manager;

9.1.4 Full co-operation must be extended to all relevant authorities responsible for surveillance, surveys and control of unwanted or risk organism; and

9.1.5 The Manager shall have the right, in its sole discretion, to exclude from the Marina, any boat or equipment which is known to harbour unwanted or risk organisms until satisfactory evidence is produced to the Manager certifying that appropriate treatment has been completed.

- 9.2 All persons shall comply with all applicable provisions of the Society's pest management requirements and policies published from time to time.

10. Storage

- 10.1 No person shall permit or allow any property under their control to be stored in the Marina (including, the walkways, fingers or foreshore), without the prior written consent of the Manager.

11. Alcohol

- 11.1 No person shall consume alcoholic beverages within the Marina, except on private boats or on licensed premises or other premises where the consumption of alcoholic beverages is not prohibited by law.

12. Pets and Animals

- 12.1 No animals or pets shall be kept in the Marina without the prior consent of the manager. All animals and pets shall, while on the Marina, be led by a chain, strap or similar efficient restraint.

13. Safety Restrictions

- 13.1 No person shall bring within the Marina or store on any Marina structure or in any area under the control of the Manager, any motor spirits, petroleum products, fuel, oil, liquefied petroleum gas, compressed natural gas, kerosene or goods of a similarly dangerous or similarly inflammable nature without the prior consent of the Manager.
- 13.2 Nothing in Rule 13.1 shall prevent a Licensee from carrying onto the Marina and directly to the Licensee's boat, small quantities of fuel in safe containers in quantities reasonably required for any small outboard engines or stoves on the Licensee's boat.
- 13.3 No person shall carry out any refuelling of any boat within the Marina, other than from the supply service at the Marina as designated from time to time, unless otherwise directed or authorised by the Manager.

14. Hours of Operation

- 14.1 The Marina shall be open twenty-four (24) hours a day to all Licensees and the public in general on such terms and conditions as the Manager from time to time determines.

15. Contractors – Access

- 15.1 All contractors and service providers who wish to access boats to provide services to berthed boats shall register first with the Marina office before entering the Marina and shall provide evidence, satisfactory to the Manager, of their insurance cover in respect of risks to the Marina and to berthed boats arising from the provision of such services.
- 15.2 The Manager shall have the right to refuse access to any contractors or service providers who do not provide evidence of holding satisfactory insurance cover.

16. Visitors - Access to Berths

- 16.1 The Manager may elect to operate a Visitors' Berth Pool for visitors on the following basis:
- 16.1.1 Any Licensee not using the Licensee's Berth may advise the Manager accordingly and request that the Manager include the Berth in the Visitors Berth Pool. In making the request, the Licensee shall specify the dates between which the Berth shall be vacant;
- 16.1.2 The Manager shall from time to time allocate berths forming part of the Visitors Berth Pool to visiting boats and charge such visitors a fee which is from time to time fixed by the Manager. Such fee shall be credited to the "Visitors Berth Pool Account".
- 16.1.3 The Manager shall be entitled to deduct from the Visitors Berth Pool Account on an annual basis:
- (a) An administration fee from time to time fixed by the Manager; and
 - (b) The cost of repairing damage caused to any of the Berths comprising the Visitor Berth Pool by visitors where the Manager has been unable to recover the same from the visitors.
- 16.1.4 Following the deduction of those items specified in Rule 16.1.3 the balance of the Visitors Berth Pool Account as at the end of each Financial Year shall be distributed to those Licensees whose Berths have formed part of the Visitors Berth Pool during that Financial Year on a pro rata basis for the period of time during which the Berth formed part of the Visitor Berth Pool, whether or not with Berth was occupied by visitors during that period.