



**KANGAROO
ISLAND
COUNCIL**

Christmas Cove Marina Terms & Conditions

RULES OF THE MARINA

FEES AND CHARGES:

Please refer to the Fees and Charges Schedule on the Council website found at:

<http://www.kangarooisland.sa.gov.au> or check the notice boards at the Marina for details.

1. BEHAVIOR & USE

The Marina Berth user:

- 1.1 must not use the Leased Berth, or permit the Leased Berth to be used, for any unlawful purpose;
- 1.2 must not engage in any offensive behaviour, such as being: drunk and disorderly; abusive; aggressive; obscene; etc. (see Interference With Others);
- 1.3 must be considerate to their Marina neighbours and not engage in activities that disturb the peace or bring discomfort to others (see Interference With Others);
- 1.4 must ensure that any children under the age of 14-years on the Leased Berth or Marina Common Areas shall be in the care and control of a responsible adult at all times;
- 1.5 must not, from a receptacle or personally, discharge human waste and sanitary materials into the Marina waters. Council has provided an Ezy-Dump in immediate proximity to the Marina and public toilet facilities are located at the Tourist Information Centre for the convenience of Marina users;
- 1.6 must not discharge any effluent or chemical or biological agents into the Marina waters and/or Marina Common Areas;
- 1.7 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 Marina Common Areas;
- 1.8 must not swim or dive within the Leased Berth or Marina except for a valid purpose relating to a the maintenance or safe passage of a vessel;
- 1.9 must not fish or take marine-life, by hand or with any form of tackle, within the Marina;
- 1.10 must not feed the fish, birds and/or other wildlife or undertake activities to attract birds or other wildlife to the Marina Common Area;
- 1.11 may park a road-going vehicle in the car adjacent to the Tourist Information Centre; and
- 1.12 must comply with all reasonable directions of the Council staff in relation to personal behaviours when within the Marina.

2. USE OF THE BERTH SUBJECT TO CONSENT

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

- 2.1 use the Berth other than as a Marina Berth for the mooring of a recreational vessel (as opposed to a professional fishing or other working vessel);
- 2.2 display any sign or advertisement so as to be visible from outside the Berth or on any part of the Marina Common Areas;
- 2.3 use or store on the Berth or vessel berthed within the Berth or on any vehicle in the Marina Common Areas any explosive or other dangerous substance, except for required fuels and cleaning agents kept in Australian Standards Approved containers;
- 2.4 allow any portion of any vessel extend beyond the boundaries of the Berth;
- 2.5 effect major repairs, external painting works and fitting and refitting, etc., of any vessel within the Berth or in the Marina;
- 2.6 reside on the vessel while the same occupies the Berth. That is; spend a substantially, continuous period of 72 hours or more on the vessel whilst the same occupies the Berth;
- 2.7 change the use of alter the character of the Berth or Marina or make or permit to be made any additions or alterations of any kind in or to the Berth or Marina Common Areas unless express approval for doing so has been obtained from the Council; and

it is acknowledged that the Council shall be entitled to withhold consent pursuant to this section.

Further; a person bound by these Rules must:

- 2.8 comply with all reasonable directions of the Council staff in relation to the use and operation of the Marina.

3. ANIMALS

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

Those granted consent shall:

- 3.2 ensure their animal/s causes no nuisance, discomfort, threat or damage to any other Marina user and/or their property and/or damage to the Marina Common Area;
- 3.3 ensure that any waste produced by the animal/s is controlled, cleaned and properly disposed of; and
- 3.4 ensure that any damage caused by the animal/s shall be rectified and/or reimbursed at full cost to the pet-owner.

4. INTERFERENCE WITH OTHERS

A person bound by these Rules:

- 4.1 must not obstruct the lawful use of the Marina by any person;
- 4.2 must not use the Marina Common Areas in a manner that unreasonably interferes with its use and enjoyment by others;
- 4.3 must not make, or allow his or her customers or visitors to make undue noise in or about the Berth or the Marina Common Areas;
- 4.4 must not interfere, or allow his or her visitors to interfere, with others in the enjoyment of their rights in relation to their Berth or Marina Common Areas;
- 4.5 must not carry any petroleum spirit or distillate fuel on to the Marina 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;
- 4.6 must not berth a vessel in a Berth belonging to others or on a part of the Marina Common Areas on which berthing is not authorised by the Council;
- 4.7 must take reasonable steps to ensure that his or her customers, clients or visitors do not berth a vessel in a Leased Berth belonging to others or on parts of the Marina Common Areas on which berthing is not authorised by the Council;
- 4.8 must not bring objects or materials into the Marina of a kind that are likely to cause justified offence to the other members of the Marina; and
- 4.9 must not allow refuse to accumulate so as to cause justified offence to others.

5. OPERATION OF VESSELS

A person bound by these Rules:

- 5.1 will observe a maximum speed limit of 4 knots or "a no-wake speed" whichever is the lesser in relation to vessels operating on the Marina Common Areas and in the navigation channel adjacent thereto;
- 5.2 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;
- 5.3 must ensure all vessels berthed are registered, identified, equipped and maintained as required by law and safe practice - with particular attention to fire fighting and sea-safety equipment;
- 5.4 may be required to enable agents of the Council to enter vessels in case of emergency;

- 5.5 must use mooring lines of a high standard and condition capable of holding the relevant vessel in all weather conditions; they must consist of polyethylene "silver rope" and have a minimum diameter of 12 millimetres;
- AND;** should the vessel be seen to be moored by mooring lines of a lesser standard or condition and/or different type from that described above, the Berth holder or occupier acknowledges that the Council staff have the right to make the necessary alterations or replacements to the mooring lines and charge the vessel owner for costs incurred;
- 5.6 must ensure that:
- 5.6.1 any vessel kept in a Marina Berth is kept in good order and condition to the satisfaction of the Council. If a vessel is allowed to be or become in an unsightly, dilapidated or dangerous condition Council will be entitled to require the removal of the vessel at the owner's cost;
 - 5.6.2 any vessel kept in a Berth does not exceed 1 metre beyond the length of the Berth fingerboard without the consent of Council;
 - 5.6.3 human waste, oil, chemicals, spirits, inflammable liquids and bilge water are not discharged from the vessel into the waters of the Berth or Marina Common Areas;
 - 5.6.4 no garbage or other refuse is deposited into the waters of the Berth or the Marina Common Areas and that the same is placed in the provided garbage receptacles;
 - 5.6.5 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 Marina Common Areas;
 - 5.6.6 no bicycles shall be ridden and no motorised vehicles of any kind (other than wheelchairs and like vehicles used for medical reasons) shall be allowed on the Marina Common Areas;
- 5.7 must tie off running rigging to prevent slatting; masts that tend to "howl" must have a halyard hoisted within the sail track should this be the reason for howling, otherwise other steps must be taken to prevent the howling caused by other means; in the event that the under-Lessee or occupier has not complied with this Rule that person acknowledges that the Council has the right for itself or its nominees to make the necessary additions/alterations to stop/reduce the noise pollution and debit the under-Lessee for the costs incurred;
- 5.8 must enter leave or manoeuvre in the Marina under motorised power, not sails;
- 5.9 must maintain any fender to a sufficiently high standard to the satisfaction of the Council;

- 5.10 must make prior arrangements with Council in relation to permitting persons such as workmen on to the Marina Common Areas and into the Berth and make sure that such workmen have appropriate current public risk insurance cover;
- 5.11 must install an isolating transformer between the vessel and the on-shore power supply where a vessel is permanently connected to such supply while in-berth;
- 5.12 commercial refuelling is prohibited within the Marina Common Areas however, refuelling is permitted within the Leased Berth unless using AS/NZS 2906:2001 approved fuel containers [item 4.5] and taking full measures to prevent any spillage or overflow entering the Marina waters and Marina Common Areas; and
- 5.13 must not light or allow any to be lit any open fire on the Leased Berth or anywhere within the Marina Common Areas. The use of properly constructed and maintained LPG or chemical fuelled BBQs may be used upon the berthed vessel or within the Marina Common Area so long as they do not:
- impede the movements of any other Marina users;
 - create a fire hazard; or
 - cause undue disturbance to other Marina users.