



Australian National Sportfishing Association Ltd

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COMMITTED TO CONSERVATION AND INTEGRITY IN SPORTFISHING SINCE
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Boat Trailer Parking On Public Roads

Background

Over the past decade there have been numerous campaigns by Sydney Coastal and Harbourside Councils to influence Transport NSW to give Councils wide powers to deal with the issue of boat trailers parked on roads in their municipalities. The rationale for Councils seeking these powers is understandable as parking is a scarce commodity in many municipalities and it is of concern that many of the boat trailers parked on roads are unregistered and have not been moved for a long time. Councils have pushed the case of road / resident safety as the main reason for wanting wide powers to control trailer parking on their roads. Fortunately for boat owners, Transport NSW has historically been reluctant to give Councils wider powers than currently apply mainly due to the fact that Transport saw the parking problem as being more relative to amenity than safety and that the granting of broad powers could lead to abuse by Councils and merely just move the parking problem somewhere else.

In a bid to resolve the boat trailer parking issue, the Minister for Roads and Ports did in October 2012 establish a Boat Trailer Working Group (BTWG) to investigate possibilities for better management of boat trailer parking including the effectiveness of existing legislative powers available to Councils to manage the issue. The BTWG was composed of representatives from 10 Councils and the Office of Boating Safety and Marine Affairs (OBSMA).

A comprehensive report containing some minor recommendations for legislative change was compiled by the BTWG and released for public comment in March 2013 - a copy of the report is attached. The closing date for public comment on the report and recommendations was 30 June 2013. The Office of Boating Safety and Maritime Affairs (Transport NSW) will consider the report findings and public feedback and make appropriate recommendations to the Roads Minister.

In summary the report fairly addresses the case made for Councils to have more powers to deal with trailer parking on streets, particularly where the trailer is unregistered and both the boat and trailer have not been moved for many years. Currently the power of Councils to deal with unregistered or registered trailers on public streets is very restricted hence the case made by Councils to broaden their powers for issue of infringement notices and imposition of fines and impoundment of abandoned trailers. Transport NSW has remained opposed to giving Councils the broad powers they are seeking for management of trailer parking and does not favour amendments to the National Road Rules which would be difficult to accomplish given their national jurisdiction and application.

The main recommendation emanating from the BTWG report is for RMS to grant delegation to Councils under section 12 of the Road Transport Act 1997 to issue penalty notices in respect of unregistered trailers and to modify the Impounding Act so that unregistered and

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registered trailers left unmoved on a public place for a period greater than 3 months can be impounded. I expect most responsible boat owners would go along with the power to deal with unregistered trailers (very likely that the boat would also be unregistered and in an unseaworthy condition) but would balk at the prospect of a registered trailer and boat being impounded just because it did not move for 3 months. How Councils would effectively monitor the movement of a trailer over such a period is questionable.

I have checked with the BIA NSW to establish if the boating industry has any representative on the Boat Trailer Working group. The response was no but there has been limited dialogue with Councils in the past. I believe it is important that boaters and fishers have future representation on the BTWG, if it has an ongoing role, so that our views and concerns are taken into consideration.

It is unknown when the OBSMA will reach conclusions in terms of the BTWG report and the recommendations made.

More Recent Developments

Following the recent tragic death of a bicycle rider in Pagewood where a parked boat trailer was involved, Randwick Council has now got behind the cause for restrictions on boat trailer parking. Randwick Councils position is for it to have the power to restrict boat trailer parking to no more than 3 days. A number of other Sydney Councils have likewise announced similar restriction and media opinion has been predominantly anti boat owner.

What is urgently needed is a network of trailer parking facilities around the Sydney Metropolitan area. Transport NSW has encouraged Councils to look at possible options including a trial of trailer parking on vacant Council or Crown lands within their municipalities. Councils for a variety of reasons have not explored this option. Minister for Roads, Duncan Gay did issue a media release in May 2013 making reference to the need for increased "off street" boat storage capacity. This is a desirable objective but the reality is that most Councils don't want such storage facilities in their backyard and it wont happen.

Trailers Greater than 7.5 m in length.

Section 200 of the National Road Rules prevents all vehicles over 7.5m in length, or with a GVM of 4.5 tonnes or more from stopping on a road in a built up area for longer than one hour. The rule applies to vehicles generally and not just trailers and the overall length includes any item on the trailer. A built up area is defined as an area where there are either buildings less than 100m apart or street lights less than 100m apart. This covers most urban Sydney roads and streets and effectively applies to any boat longer than 6m when the trailer drawbar and outboard motor are factored in.

According to advice from the Road Minister's office, both the NSW Police and local Councils do have the delegated power to issue infringement notices and impose fines for breaches of this regulation. It would be prudent for this advice (in respect of delegated powers for Councils) to be formally confirmed as some Councils do not believe they have such powers.

Fortunately, to the best of knowledge, there have been very few incidences where Councils have exercised their delegated powers for such breaches. One northern beaches Council did some years ago regularly issue infringement notices against boat trailers >7.5 m parked on roads adjacent to a boat ramp when the ramp car park was full. This practice has now ceased but there may be unreported cases where Councils have rightfully issued infringement notices for extended trailer parking.

Over this past fortnight Botany City Council has in fact issued warnings to all boat owners with trailers >7.5m parked on its roads that the boats/ trailers must be removed from the street within the week or they will be fined \$111 per day as a penalty. This hard line attitude by Botany Council has no doubt been influenced by the media coverage of the recent bike riders death. In all of the cases where penalty was threatened the trailer was registered, the boat regularly used and the trailer was parked outside the owners home – and there was no safety risk and no complaints by neighbours. It is of concern that other local Councils will now follow the lead of Botany Council. The reality is that these boat owners have nowhere else to park their boats. The availability of off- site trailer storage is acute and the tariff is exorbitant. The only real option is to sell the boat.

The more pressing concern is that under the National Road Rules as they stand every boat/ trailer owner with a rig over 7.5m is at risk of being fined for infringement of the one hour parking limitation on any road in a built up area anywhere within Australia.

Action Plan

It is imperative that the National Road Rules be amended to make provision for reasonable on road parking of boat/ trailer rigs of more than 7.5m in length and that the delegated power for Councils to issue infringement notices and impose penalties in such circumstances be withdrawn or suitably amended.

Representations concerning the actions of Botany Council have been made to Duncan Gay (NSW Minister for Roads and Ports), Michael Daley (MP for Maroubra), Robert Brown (Shooters and Fishers Party) and to Botany Council itself.

Given the multi state application of the National Road Rules it is proposed to have all national recreational fishing , boating/ fishing tackle peak bodies lobby the Federal Roads Minister to intervene and impose a moratorium on penalties for infringements of section 200 of the National Road rules pending a review of such rules. I will initiate this action via my role as a Board Member of both Recfish Australia and the Australian Recreational Fishing Foundation (ARFF). All State recreational fishing peak bodies will also be put on notice of the potential threat affecting boat owners with trailer / boat rigs > 7.5m in their states.

It would also be appropriate and helpful for ACORF to write to the NSW Fisheries Minister with a request to intervene on behalf of all boat owners affected by the section 200 rule and to advocate for the interests of all trailer boat owners potentially affected by the sweeping powers now sought by Councils and to protect the parking rights of owners of boat/ trailer rigs > 7.5 m that are registered and pose no traffic safety risk.



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