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## **H10. Hire Boat Operations - Beaches and Reserves**

**Title:** Hire Boat Operations – Beaches and Reserves Policy

**Policy No:** H10

**Keywords:** Hire Boat, Sailing Craft, Non-motorised Craft

**Responsible Officer:** Deputy General Manager – Land Use and Sustainability

### **1. PURPOSE AND AUTHORITY**

The purpose and overall objective of this policy is to set out Manly Council's considered and adopted policy position with respect to the issuing of licences or other approvals for the hiring of sailing craft from beaches or reserves in the Manly Council local government area.

### **2. POLICY STATEMENT**

As a matter of policy Council disapproves of the issue of licences or other approvals for the hiring of sailing craft from beaches or reserves in the Manly Council local government area.

Applications for other non-motorized craft are to be considered on their merits provided the applicants can obtain an aquatic licence from the Maritime Services Board.

1. (F&GP 25.7.78)
2. (Confirmed 20.10.97)

### **3. PRINCIPLES**

The underlying principle of this policy is the recognition by Manly Council of the need to ensure that public beaches and public reserves are not alienated or made the subject of commercial use in a manner that might derogate from the right of the general public to use and enjoy those beaches and reserves. The policy also seeks to uphold the principle of public safety and convenience and the need to protect the public from reasonably foreseeable risks and dangers arising from a conflict of uses as respects public land.

### **4. SCOPE**

This policy applies to all Council officials (including Councillors and Council staff and consultants engaged by Council) who are involved, directly or indirectly, in decision-making (including preparatory and recommendatory decision-making) with respect to the subject-matter of this policy.

Insofar as land is concerned, this policy applies to all beaches and reserves in the Manly local government area on or from which boats operate or can be operated.

### **5. DEFINITIONS**

See the Dictionary at the end of the Local Government Act 1993 for definitions of relevant terms and expressions.

### **6. IMPLEMENTATION**

This policy will be implemented without delay once adopted by Council. Upon adoption this policy will be entered into Council's policy register, made available online and provided to all staff and any other people directly affected by this policy.

Council and/or the General Manager may, during a civil emergency only, set aside any policy terms to ensure public safety.

### **7. MONITORING AND BREACHES**

Regular monitoring of compliance with this policy, relevant legislation and Manly policies and procedures will be undertaken and documented by the responsible officer for this policy.

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Breaches of this policy are considered to be breaches of Manly Council's Code of Conduct and therefore invoke the relevant sanctions outlined in that Code. Persons in breach of any legislation may be subject to relevant criminal action.

## **8. REPORTING**

No specific reporting is required by this policy.

## **9. POLICY REVIEW**

This policy is subject to regular review at a maximum interval of Insert the review period as required by legislation, generally every two (2) years.

For the purposes of carrying out and giving effect to this policy, the General Manager may from time to time prepare, adopt or vary, and otherwise issue to Council staff, guidelines and directions relating to any aspect of this policy.

Any recognised change to relevant legislation; or directives or guidelines issued by agencies including the NSW Ombudsman and the Division of Local Government; or to Manly Council's related guidelines and procedures will activate an immediate review of this policy to ensure it remains current and aligned to best practice policies.

## **10. RELEVANT REFERENCES AND LEGISLATION**

Local Government Act 1993

## **11. RELEVANT COUNCIL POLICIES**

Nil.

## **12. REVISION SCHEDULE**

Minute No	Date of Issue	Action	Author	Checked by
PS53/11	2 May 2011	Periodic Review	Secretariat, Corporate Services	Manager, Administration
	June 2013	Comprehensive Review		General Counsel
PS16/14	3 March 2014	Periodic Review	OM CSS	Manager Governance