Report to General Manager

SUBJECT:   LGNSW Conference 2013 - Proposed Issues and Election of Delegates

AUTHOR:   Ross McCreanor, Director Corporate Services

EXECUTIVE SUMMARY:

The 2013 Local Government NSW (LGNSW) Inaugural Conference is to be held at the Sydney Town Hall from 1 to 3 October 2013.

The purpose of this report is to resolve whether Council would like to submit “Issues” (formerly Motions) as it has done in the past; and to resolve which Councillors will attend the Conference.

There has been a change in the way “Motions” are dealt with at the Conference. Councils are now requested to identify their 3 to 5 most important issues i.e. those causing concern to the Council and/or the local community and provide these details to the Association by 19 July 2013.

RECOMMENDATION:

1. THAT Council determines whether it wants to submit any Issues to the 2013 LGNSW Inaugural Conference.
2. THAT Council nominates four voting delegates to attend the 2013 LGNSW Inaugural Conference in Sydney, in addition to the Mayor (voting delegate) and General Manager.
3. THAT the General Manager report back to Council on the 2013 LGNSW Inaugural Conference.

Signed:   
Director Corporate Services
LINK TO DELIVERY PROGRAM

The relationship with the Delivery Program is as follows:

Direction: 5. Our Civic Leadership

Outcome: 5.1 Council leads the strategic direction of North Sydney

BACKGROUND

On 1 March 2013, the Local Government Association of NSW and the Shires Association of NSW merged to become one association, known as Local Government NSW (LGNSW), representing all councils in NSW.

Each year Council calls for suggested motions from the community which it considers before resolving what issues/motions to propose to the Local Government NSW Association Conference, formerly known as the Local Government and Shires Association Conference.

The 2012 Conference was held in Dubbo and was attended by the Mayor, Councillors Bevan, Marchandeau and Morris attended as voting delegates. Councillor Baker also attended as a non-voting delegate.

The following two motions put by Council to the 2012 Conference.

Motion 1 - THAT the Local Government Association request the State Government introduce a two tier system of charging fees for swimming pool inspections and to set fines at an appropriate level to cover the costs of compliance

LGA Conference: Supported

One motion submitted by North Sydney Council was not included in the Business Paper but was referred to the Executive for Action as a Category 2 Motion.

Motion 2 - THAT the Local Government Association object to the proposed changes to NSW Planning Laws as they appear to exclude individuals and councils from objecting to a development that may affect the community and will provide developers with “fast track” approval to build.

Executive Comment: This issue is well covered in the Associations’ submission to the NSW Planning System Review - Green Paper.

SUSTAINABILITY STATEMENT

The following table provides a summary of the key sustainability implications:

<table>
<thead>
<tr>
<th>QBL Pillar</th>
<th>Implications</th>
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<tbody>
<tr>
<td>Environment</td>
<td>• Issues raised at the Conference may include environmental issues.</td>
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<tr>
<td>Social</td>
<td>• Issues raised at the Conference may include social issues.</td>
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<tr>
<td>Economic</td>
<td>• Issues raised at the Conference may include economic issues.</td>
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<tr>
<td></td>
<td>• Cost per delegate registration costs are outlined in Attachment 1.</td>
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<tr>
<td></td>
<td>• Accommodation and airfare not required.</td>
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</tbody>
</table>
QBL Pillar | Implications
--- | ---
Governance | - Issues raised at the Conference may include governance issues.
- Councillors have the opportunity to network and exchange information with representatives from councils across NSW.
- Councillors will have the opportunity to debate and vote on policy matters to be pursued by LGNSW.

**DETAIL**

Due to the amalgamation the annual conference will now be held in Sydney and not in regional NSW as in previous years. The 2013 LGNSW Inaugural Conference will be from 1 to 3 October 2013. Attachment 1 is the Conference Program.

Previous Conferences have attracted over 600 delegates from member councils as well as representatives of county councils, who meet to discuss and set policy for the coming year for the benefit of the community.

Council needs to decide whether or not it would like to submit any “Issues” (formerly called Motions) as it has done in the past; and to resolve which Councillors will attend the conference.

**Voting Delegates**

North Sydney Council is now entitled to five voting delegates to the 2013 Conference. The General Manager will also be attending. The General Manager does not have voting rights.

**Issues (formerly Motions)**

There has been a change in the way “Motions” are dealt with at the Conference. Councils are now requested to identify their 3-5 most important issues i.e. those causing concern to the Council and/or the local community and provide these details to the Association prior to 19 July 2013. The Association will review all responses received and will then identify the top 3-5 issues as identified overall by member councils. These issues will then be put to the Conference for debate and deliberation as part of the business sessions.

Issues identified by Council which fall outside of the top overall 3 to 5 will be considered by the Board prior to the Conference. Council will be advised of the outcomes of the deliberations also prior to the Conference. Issues are due by 19 July 2013. Late issues will not be accepted.

Precinct Committees and the local business community (via Business e-news) were invited to submit suggested issues for Council’s consideration. One (1) suggested issue has been received from Neutral Precinct Committee relating to boat, trailer and caravan parking:

*That the State Government amends the NSW Road Rules, which are based on the Australian Road Rules in the following manner - the current rules define a ‘Long Vehicle’ as being a vehicle exceeding 7.5m in length. Such vehicles are prohibited from parking in residential areas for more than one hour unless actively engaged in loading or unloading.*
The rules should be amended to define a 'Large Vehicle' being one over 7.5m in length and/or 2.1m in width.

The restrictions currently applied to Long Vehicles should be applied to Large Vehicles. Alternatively the restriction could apply to streets of less 12 or 13m in width. The width is chosen to allow for two 3.5m traffic lanes plus two 2.5m parking lanes.

Attachment 2 is a previous report to Council which provides information in respect of strategies to remove trailers, boats and storage units from North Sydney streets. It should be noted that in response to this report Council resolved (Min No. 422) to prepare a submission to Transport NSW on the Boat Trailer Working Groups Discussion Report and Options Paper.
LGNSW ANNUAL CONFERENCE
REGISTRATION 2013
Tuesday 1– Thursday 3 October 2013
Sydney Town Hall, 483 George Street
WELCOME TO AN HISTORIC EVENT

Message from the Joint Presidents LGNSW, Cr Keith Rhoades AFSM & Cr Ray Donald

The inaugural Local Government NSW Annual Conference is being held from 1–3 October 2013 at Sydney Town Hall and we invite all delegates to attend.

Given the raft of reviews currently underway into the Local Government sector, it’s more important than ever for council delegates to attend this Conference. This is your chance to help us discuss issues faced by NSW communities, confirm policies for the coming year and engage in robust debate to determine appropriate solutions to the many challenges we face.

A number of important topics will feature in the Conference program including the referendum, the findings in the Independent Local Government Review Panel’s final report, the future financial viability of councils, the Local Government Act review and the proposed Planning reforms, which will undoubtedly foster healthy discussion amongst delegates.

We are fortunate to have Her Excellency Professor Marie Bashir AO CVO, Governor of NSW opening the Conference and a number of other keynote speakers lined-up including the Minister for Local Government, the Hon. Don Page MP; Minister for Planning and Infrastructure, the Hon. Brad Hazzard MP; and Ms Gail Kelly, CEO, Westpac Banking Corporation. We have also invited the Premier of NSW, the Hon. Barry O’Farrell to speak and hope that he can attend.

Importantly, this is your opportunity to vote for the new President and Local Government NSW Board.

We encourage you all to attend the first Local Government NSW Annual Conference and look forward to seeing you all there.

Message from Lord Mayor of Sydney Cr Clover Moore

On behalf of City of Sydney, I am pleased to welcome Local Government NSW Conference delegates to Sydney.

It is significant, symbolic and historic that this first conference of the amalgamated association should be held at Sydney Town Hall. On 22 January 1883, representatives of metropolitan and country municipalities gathered at Sydney Town Hall and resolved to form the Municipal Association of New South Wales, the first organisation to represent Local Government. Organised by the Mayor of Balmain with the assistance of the Mayor of Sydney Alderman John Harris, the meeting resolved that the role of the new Association would be:

“To watch over and protect the interests, rights and privileges of municipal corporations - to take action in relation to any subject affecting municipal bodies, or municipal legislation, and to promote efficiency in the carrying out of municipal government throughout the colony.”

The objectives of that first Municipal Association remain relevant today. Local Government in NSW faces strong challenges and some uncertainty about its future. It is vital that Local Government has a single strong united voice that will represent the interests of our local communities and that will work for a strong, cooperative and respectful relationship with other levels of government.

I wish this Conference well in taking the first important step in achieving these objectives.
Sydney Town Hall
The Conference will take place in the heart of Sydney’s CBD in the Sydney Town Hall, with business sessions and the Opening Ceremony held in the Centennial Hall. Delegate registration, the Trade Exhibition and Welcome Reception will all be held in the Lower Town Hall. Voting will take place in the Marconi Room and cloak room facilities will be available in the Treasury Room.

Enter the main building from George Street steps entrance and the Lower Town Hall from Druitt Street.

Cloak Room and Lounge Facilities
To assist metropolitan council delegates who may not be staying overnight in Sydney’s CBD, we can offer you and your partner the option of bringing your evening clothes to the Conference on Wednesday and cloaking them in the Treasury Room. This option will also be available to all Conference delegates both days. For those wishing to fill in time between the end of the Conference on Wednesday and the dinner, we will have the Treasury Room open for you to make a coffee and catch up on your emails prior to changing.

Conference Overview

<table>
<thead>
<tr>
<th>Event</th>
<th>Location</th>
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<tbody>
<tr>
<td>Tuesday 1 October</td>
<td></td>
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<tr>
<td>Trade Exhibition set-up</td>
<td>Lower Town Hall</td>
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<tr>
<td>Delegate Registration</td>
<td>Foyer Lower Town Hall</td>
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<tr>
<td>Presidents’ Welcome Reception</td>
<td>Lower Town Hall</td>
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<tr>
<td>Wednesday 2 October</td>
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<tr>
<td>Trade Exhibition</td>
<td>Lower Town Hall</td>
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<tr>
<td>Voting for the Executive Board</td>
<td>Marconi Room</td>
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<tr>
<td>Art, History, Gardens</td>
<td>VIP tour (Partners’ Program)</td>
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<tr>
<td>Opening Ceremony</td>
<td>Centennial Hall</td>
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<tr>
<td>Business Sessions</td>
<td>Centennial Hall</td>
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<tr>
<td>Sponsors Happy Hour</td>
<td>Lower Town Hall</td>
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<tr>
<td>Gala Dinner</td>
<td>Centennial Hall</td>
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<tr>
<td>Thursday 3 October</td>
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<tr>
<td>Trade Exhibition</td>
<td>Lower Town Hall</td>
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<tr>
<td>Business Sessions</td>
<td>Centennial Hall</td>
</tr>
<tr>
<td>Sydney Art Galleries</td>
<td>Hidden Gems (Partners’ Program)</td>
</tr>
<tr>
<td>Sponsors Happy Hour/Afternoon Tea</td>
<td>Lower Town Hall</td>
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</tbody>
</table>
Registrations are invited from councillors and staff of member councils (including associate members, Land Councils and County Councils) of LGNSW. Representatives of other interested bodies - e.g. Regional Organisations of Councils (ROCs) - are also invited to register as participants. All delegates and partners need to be pre-registered.

**Early Bird Registration Deadline:**
Monday 19 August 2013

**Full Registration Deadline:**
Monday 16 September 2013

Register online at lgsw.org.au

Complete one registration form per person.

Online registration is conducted through a secure site which accepts credit card (Visa or Mastercard), cheque and direct deposit payments. Bank account details are part of the online registration form. On completing registration, a tax invoice will be automatically emailed to you. Your credit card statement will show a debit from 'IVVY'. Your registration will not be confirmed until full payment is made.

**Delegate registration fees**

The registration fee for delegates covers:
- Business papers, proceedings of the conference,
- Presidents’ Welcome Reception, Opening Ceremony,
- morning and afternoon teas and lunches on two days,
- Happy Hour on two days, the Conference Gala Dinner,
- name badge, and satchel.

The cost to attend the Conference is heavily subsidised by LGNSW and our successful sponsor relationships.

This fee does not cover: accommodation, partners’ functions or other events held in conjunction with the Conference. There is no charge for partners unless they attend the social events or the partners’ program. Partner registration is part of the main online registration form.

**Sponsors Registration Fees**

Each sponsorship level includes a certain number of registrations included in the sponsored fee amount. There will be no extra registration charge, but if you wish to register additional staff, they will be at the normal delegate rate as advertised. Registration for sponsors includes the Presidents’ Welcome Reception, Opening Ceremony, morning and afternoon teas and lunches on two days, Happy Hour on two days, the Conference Gala Dinner, name badge, and satchel.

### Registration Fees (inclusive of gst)

<table>
<thead>
<tr>
<th>Delegates</th>
<th>Fees</th>
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<tbody>
<tr>
<td>Early Bird Registration (to receive the discounted early bird rate, you must register and pay by the due date)</td>
<td>$880</td>
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<td>Full Registration</td>
<td>$990</td>
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**Partners and extra guests**

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<tbody>
<tr>
<td>Welcome Reception</td>
<td>$77</td>
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<tr>
<td>Conference Dinner</td>
<td>$155</td>
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<tr>
<td>Partners’ Tour: Wednesday</td>
<td>$99</td>
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<td>Partners’ Tour: Thursday</td>
<td>$99 / $100</td>
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</tbody>
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**Speakers and special guests**

If you are an invited guest or part of the Conference program and would like to attend in full or for a portion of the Conference, contact the LGNSW events team direct at events@lgsw.org.au

On application
Confirmation, Cancellation Policy or Enquiries
All registrations will be confirmed via email after receipt of registration bookings and payments.

Should you be unable to attend, a substitute delegate is welcome on the day at no additional charge. All cancellations must be advised in writing to The Conference Secretariat, Bradley Hayden (contact details below).

Cancellations postmarked on or before 5pm on Friday 16 September 2013 will receive a full refund less an administration fee of $110 per registration. No refunds will be made for cancellations advised after this date.

Changes to your registration
You can modify your online booking at any time by using the link provided in your confirmation email. Once you have completed your registration, a tax invoice with a confirmation number will be emailed to you. Click on the link and enter your Confirmation Number to make any changes or additions to your reservation.

Special Requirements
If you have any special dietary requirements, access or impairment issues, please ensure you complete the appropriate section of the Registration Form. Every effort will be made to ensure the Conference catering is varied, nutritional and inclusive of differing tastes.

Privacy Policy
LGNSW is the organiser of the Local Government NSW Annual Conference 2013 and is bound by and committed to supporting the principals set out in the Privacy and Personal Information Act 1998. We will collect and store information you provide in the Registration Form for the purpose of enabling us to register your attendance at the Conference.

With your permission, LGNSW may disclose some of the information such as your name, organisation and its location and email address, but will not otherwise, without your consent, use or disclose your personal information for any purpose unless it would be reasonably expected that such purpose be related to the offer, provision and improvement of conferences and services or where such purpose is permitted or required by law.

Liability for your Registration
In the event of unforeseen circumstances, LGNSW and the Conference Secretariat does not accept responsibility or liability for the loss of expenses incurred by delay, cancellation, or miscommunication. By completing and submitting the online Registration Form, you are deemed to have read and accepted the cancellation and privacy information.

Contact
LGNSW handles arrangements for delegates, observers and partners attending this year’s Conference in relation to:
• orders for additional copies of Conference printed material
• application for Service Awards
• all general inquiries.

Email: events@lgnsw.org.au
Call: 02 9242 4000
Address: GPO Box 7003, Sydney NSW 2001

The Conference Secretariat, Bradley Hayden, Countrywide Conference and Event Management, is your contact for:
• sponsorship enquiries, bookings, and the trade exhibition
• all registration enquiries for delegates, sponsors and partners.

Email: bradley@ccem.com.au
Call: 02 6023 6300
Fax: 02 6023 6355
Address: PO Box 5013, Albury NSW 2708
Voting at the conference
Delegates will vote for the new board of LGNSW and will also be able to vote on business paper motions. For all details to do with your voting entitlements or how to change your voting delegate’s name, refer to LGNSW’s website.

Business Papers
Member councils will receive printed copies of the Business Papers one month before the Conference. Papers will also be available to download from LGNSW’s website at this time.

Councils may view the Record of Decisions from the 2012 Conference for both the previous Shires Association of NSW and the Local Government Association of NSW on the LGNSW website under the past conferences tab for 2012. The Record of Decisions paper following the 2013 Conference will be available within two weeks of the Conference.

Conference Business Program
A copy of the draft program is available on LGNSW’s website. There will be discussion on a range of pertinent issues relating to the changing landscape of Local Government in NSW and debate on the findings of the Independent Local Government Review Panel.

Keynote addresses include Minister for Local Government, the Hon. Don Page; the Leader of the Opposition, Mr John Robertson MP; Cr Clover Moore, Lord Mayor of Sydney; Ms Gail Kelly, CEO, Westpac Banking Corporation; and Mark McCrindle, Social Researcher. A planning panel including the Minister for Planning, Hon Brad Hazzard MP is also planned.

Limited Offer
First chance to buy 2013 Telstra Premiership Grand Final Tickets
The NRL is offering all LGNSW participants the chance to secure Telstra Premiership Grand Final tickets before they go on sale to the general public. Here’s how:

1: Go to ticketek.com.au/nrlgrandfinal
2: Enter the password LGNSW
3: Get your tickets

Tickets available 10am Friday 26th July - 9pm Sunday 28th July
Presidents’ Welcome Reception
sponsored by YMCA

Tuesday 1 October 2013 6.00pm – 8.00pm,
Lower Town Hall in Trade Exhibition.

This is an ideal opportunity to register for the
Conference, pick up your voting cards, network
informally with your colleagues and get to know
the Conference’s key commercial supporters.
Be prepared for a short, fun, colourful experience
with substantial cocktail food and beverages.
Cloakroom facilities available for those
that come straight from work.

This is a free evening for delegates to enjoy all
that Sydney has to offer. Visit www.sydney.com
for more information on activities.

Conference Gala Dinner

Wednesday 2 October 2013, 7.30pm – 11pm,
Centennial Hall, Sydney Town Hall.

There will be allocated seating at the dinner; please
indicate seating preferences during registration.
Dress code: ‘after five’ or ‘cocktail wear’. There will
be no refunds on the dinner if you do not attend,
as it is part of your registration cost. Please refer
to page 3 for cloak room details.

Sydney’s Town Hall is a major landmark in the
heart of the city, a much loved heritage building
and a popular cultural venue. In this magnificent
iconic building, you will enjoy a three course
dinner and the best in Australian entertainment.
Virtuoso jazz musician, James Morrison, is a
multi-instrumentalist who is highly regarded in the
international music world. Mostly known as a trumpet
player, he is also a brilliant technician on trombone,
euphonium, flugelhorn, tuba, saxophones and piano.
In 1997, James was awarded the Order of Australia,
and in 2000, he appeared at the Opening Ceremony
of the Sydney Olympics.
PARTNERS’ PROGRAM

Art, history, gardens: a personalized tour

Wednesday 2 October 2013
10.30am – 3.00pm
$99.00 pp

This personalised full-day tour includes a VIP tour of the Royal Botanic Gardens Sydney, a lovely lunch and a special guided tour of ‘Sydney Moderns’.

Meet at 10.30am at the Garden Shop (opposite the Botanic Gardens Restaurant) then join your guide at 11.00am for a one and a half hour morning tour of the gardens followed by a two course lunch with a glass of wine (set menu will be confirmed on your booking) in the Botanic Gardens Restaurant, nestled in the heart of the gardens. You will then take a short walk to the Art Gallery of NSW for their exhibition ‘Sydney moderns: art for a new world’ with a dedicated personal guide. This will be your last chance to see this exhibition as it closes on Monday 7 October.

‘Sydney moderns: art for a new world’ showcases more than 180 early modern works by Australia’s most celebrated and respected artists. Spanning the years between 1915 and the early 1940’s, the exhibition includes the artists Margaret Preston, Roy De Maistre, Roland Wakelin, Grace Cossington Smith, Thea Proctor, Grace Crowley, Ralph Balson, Rah Fizelle, Frank and Margal Hinder, Margo and Gerald Lewers, Dorritt Black, Olive Cotton, Max Dupain and Harold Cazneaux amongst others.

Sydney Art Galleries: Hidden Gems

Thursday 3 October 2013
10.30am – 3.30pm
$99.00 pp

Join the bus in York Street, at the Queen Victoria Building (QVB) middle entrance and look for the sandwich board for LGNSW Annual Conference.

Join a small, highly personal guided tour to experience a series of galleries – much like a guided artist trail where you meet the artists and gallery owners. Your first port of call will be the White Rabbit Gallery in Chippendale, one of the world’s largest and most significant collections of contemporary Chinese art. Founded by Kerr and Judith Neilson, it focuses on works produced after 2000.

This is a fascinating privately owned collection open to the public in a beautifully restored building in the inner city with a unique Teahouse. Included in your tour is a light snack of handmade dumplings and a range of unusually flavoured teas. Join the bus again to travel to Dank Street, Waterloo, and your specialist guide Henry Mulholland, a well-known art critic, consultant and shortlisted artist for the renowned Archibald Prize. Henry will let you in on the insider’s knowledge of the Sydney art scene. At the final gallery, Utopia Art Sydney, you will enjoy wine and cheese with the gallery owner before being returning by bus to Town Hall. Maximum number of attendees: 20.

Artisan Cheese and Wine Appreciation Course/Tasting

Thursday 3 October 2013
1.00pm – 2.30pm
$100.00 pp

Meet at The Local Taphouse, 122 Flinders Street, Darlinghurst.

This appreciation class is for the cheese enthusiast who wishes to obtain the knowledge and experience required in order to speak more confidently about the food they love! This is the perfect opportunity to taste a wide variety of flavours and styles by sampling seven different types of cheese and to have some common myths and misconceptions of the cheese world cleared up once and for all. Over a 90 minute period, you will taste cheese made from various types of milk including goat, sheep, cow and buffalo and experiment with basic cheese and wine pairings. The day will be hosted by international cheese expert Claudia Bowman. Claudia will provide a unique and memorable master-class that is for both cheese novices and enthusiasts who have an experienced and discerning cheese palate. Maximum number of attendees: 30.

For further details on the Partners’ Program, see LGNSW’s website and book online.
Service Awards

Outstanding Service Awards and Emeritus Mayor Certificates will be presented at the Official Opening Ceremony on Wednesday 2 October 2013 to those who have given outstanding service to Local Government. To enable the processing of awards, councils are asked to advise Local Government NSW whether or not nominees for the award will be attending the Conference. The deadline for applications for awards to be presented at LGNSW Conference in Sydney is Monday 5 August 2013.

A letter confirming the presentation will be sent to your General Manager; if you do not receive confirmation by Monday 2 September please contact Karen Rolls on 02 9242 4050. For eligibility criteria, visit LGNSW’s website.

Accommodation

LGNSW has used its partnerships and negotiated a great deal for Conference delegates with seven hotels listed on our website. You will need to book your accommodation before you register online for the Conference, as you need to tell us where you are staying in case we need to contact you. If you have access requirements, please let us know at the time of registering as part of your online booking.

Child Care Arrangements

If delegates require child care facilities in order to attend the conference or social programs, contact the City of Sydney for options: www.cityofsydney.nsw.gov.au/community/community-services/children/after-school-and-holiday-programs

Sponsors

Major Partner

CITY OF SYDNEY

Welcome Reception Sponsor

YMCA

Distinguished Sponsors

LOCAL GOVERNMENT SUPER

Valued Sponsors

NSW Land & Property Information

Large Vehicle Sponsor

AVIS

Delegates Retreat Sponsor

AAPT

(A full list of trade exhibition sponsors is available on LG NSW’s website.)
EPS01: Boat Trailers Discussion Report and Options Paper

Report of Aurelio Lindaya, Manager Traffic Planning Council, at its meeting held on 8 April 2013, resolved the following:

**THAT** a report be submitted on Council’s strategy regarding the lobbying that has been undertaken and the proposed strategy for the next 12 months in respect of removal of trailers, boats and storage units from North Sydney streets.

Transport for NSW (TfNSW) has recently released a report titled “Boat Trailer Working Group - Discussion Report and Options Paper”. The Boat Trailer Working Group (BTWG) was established by the State Government to consider a range of options to address the long term parking of boat trailers on public roads.

Over the years, North Sydney Council has lobbied the NSW State Government to amend NSW Road Rules No. 200 such that it restricts the time frame boats and trailers are allowed to park on public roads in built up areas. Copies of Council’s previous submissions are attached.

Council has been invited to make a submission on BTWG report. This report examines the BTWG report and outlines Council’s current strategy (and its limitations) with respect to removing unwanted boat trailers, trailers, and advertising trailers from North Sydney streets.

**Recommending:**
1. **THAT** Council notes the attached Boat Trailer Working Group - Discussion Report and Options Paper.
2. **THAT** Council prepares a submission to Transport for NSW on the Boat Trailer Working Group - Discussion Report and Options Paper as outlined in the report.

**RESOLVED:**
1. **THAT** Council notes the attached Boat Trailer Working Group - Discussion Report and Options Paper.
2. **THAT** Council prepares a submission to Transport for NSW on the Boat Trailer Working Group - Discussion Report and Options Paper as outlined in the report.
3. **THAT** Mr Aurelio Lindaya be commended on the quality of this report.

The Motion was moved by Councillor Baker and seconded by Councillor Barbour

Voting was as follows: For/Against 13/0
Report to General Manager

ATTACHMENTS:
1. Boat Trailer Working Group Report
2. Previous submissions to the State Government
3. Previous submissions to LGNSW

SUBJECT: Boat Trailers Discussion Report and Options Paper

AUTHOR: Aurelio Lindaya, Manager Traffic Planning

EXECUTIVE SUMMARY:

Council, at its meeting held on 8 April 2013, resolved the following:

THAT a report be submitted on Council’s strategy regarding the lobbying that has been undertaken and the proposed strategy for the next 12 months in respect of removal of trailers, boats and storage units from North Sydney streets.

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Signed: ________________________________
Endorsed by: Director Engineering and Property Services
LINK TO DELIVERY PROGRAM

The relationship with the Delivery Program is as follows:

Direction: 2. Our Built Environment
Outcome: 2.6 Improved traffic management

BACKGROUND

Council, at its meeting held on 8 April 2013, resolved the following:

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SUSTAINABILITY STATEMENT

The sustainability implications are of a minor nature and did not warrant a detailed assessment.

DETAIL

Introduction

The Boat and Trailer Working Group (BTWG), was established by the NSW Government, in response to representations made by numerous local councils in the Sydney Metropolitan Area to the Premier of NSW and the Minister for Roads and Ports. These councils, including North Sydney Council (Council), raised strong concerns that the growth of boat trailers parking on public roads continue to be an ongoing source of frustration for many community members as these vehicles are taking up valuable parking spaces and are being left unattended for months on end.

The BTWG included representatives from the City of Canada Bay, Woollahra Municipal
Council and the Division of Local Government. North Sydney Council was not invited to be part of the BTWG.

Various issues with boat trailer parking and the relevant legislation/ instruments were considered as part of the BWTG report. Options to deal with problem boat trailers were also considered.

**Boat Trailer Surveys**

The BTWG conducted surveys of locally parked boat trailers to determine where their owners reside. It is clear from the report that the majority of boat trailers that are parked on public roads are in fact owned by local residents who live close by.

In late 2012, Woollahra Municipal Council conducted a survey of all boats parked across the entire Woollahra LGA. The results of the survey reveal of all the boats recorded, where the residential postcodes of the boat trailers could be identified through the Roads and Maritime Services (RMS) database, 70% where found to belong to residents who live in the Woollahra LGA.

Similarly, boat surveys undertaken by Canada Bay Council reveal that of all the boats recorded, where the residential postcodes of the boat trailers could by identified through the RMS database, 75% where found to belong to residents who live in the Canada Bay LGA.

The results of the survey indicate that contrary to the perception that boat owners are not locals, the majority of boats are owned by residents who live close by. The BTWG report further stated that any proposal to remove boat trailers from parking on public roads would adversely affect some local residents. These residents are likely to be unsupportive of any changes to legislation as they would be forced to find private boat storage, either off-street or on the water, for their vessel.

**Legislative Analysis**

The BTWG identified current legislation which is relevant to boat trailer parking. The relevant legislation is administered by either the RMS or the DLG, while implementation, compliance and monitoring are generally the responsibility of Local Government, RMS and the NSW Police.

The following instruments deal with boat trailer parking:

Road Transport (Vehicle Registration) Act 1997: It is a requirement of NSW law that all vehicles be registered to access the road network. It is an offence for any person to use an unregistered registrable vehicle or to cause or permit another to use an unregistered registrable vehicle on any road or road related area. Use of a vehicle includes standing the vehicle on a road or road related area. Currently, only the RMS and Police can enforce this law.

Road Rules 2008: Regulation 200 of the Road Rules prevents all vehicles over 7.5m in length, or with a GVM of 4.5 tonnes or more, for stopping on a road in a built up area for longer than one hour.

Regulation 205 and 205 (a) of the Road Rules permit Councils to erect parking signs that
prohibit the parking of vehicles for particular lengths of time, or for a period of time on a particular day (i.e. No Parking Saturday 10am - Noon).

Road Transport (Safety and Traffic Management) Regulation 1999: Section 124 allows councils to implement parking permit schemes that exempt local residents and/or their visitors from parking restrictions if they possess a valid parking permit. Councils must comply with the RMS Permit Parking Guidelines. The RMS have recently released a new Permit Parking Guidelines which note that councils should not issue parking permits to boat trailer owners.

Local Government Act (LGA) 1993: Section 632 provides councils with the ability to relatively effectively manage trailers that may be parking in most public places, but not on roads or road related areas. As such, any amendments to the LGA would be unlikely to curtail on-street boat trailer parking.

Impounding Act (IA) 1993: Section 15 allows an impounding officer to impound an article if the officer (Council Regulatory Officer) believes on reasonable grounds that the article has been abandoned or left unattended. If the officer can identify the owner, they must be given at least 3 days notice to remove the vehicle prior to it being impounded. Currently, if the vehicle owner advises that the trailer is not abandoned or unattended, even if unregistered, council officers can take no further action to have the offending vehicle removed. They can advise the NSW Police if the vehicle is unregistered.

**Non-Legislative Analysis**

Non-legislation solutions were also considered as part of the BWTG report. These non-legislative solutions relate to the NSW Maritime Policy Agenda and include a comprehensive boat storage strategy which is currently being developed. This strategy considers the boat storage capacity requirements in NSW. Under the strategy, options will be explored to encourage the development of major drystack storage facilities on the Harbour.

**Boat Trailer Working Group Recommendations**

After examining the issues, constraints and relevant legislation relating to boat trailer parking, BTWG recommend:

1. That Roads and Maritime Services grant delegation to Councils under Section 12 of the Road Transport (Vehicle Registration) Act 1997 to issue penalty notices under Section 18 of the Act which states that a person must not use an unregistered registrable vehicle on a road or on a road related area.
2. The NSW Government considers modifying the Impounding Act 1993 such that “unattended” is defined as, “A vehicle which has been unmoved in a public place for a period greater than three months. A vehicle may be considered unattended regardless of whether the vehicle is registered or otherwise”, or similar wording as appropriate.

**Discussion**

The main problem with preventing the long term parking of boat trailers on public roads is trying to meet the competing needs of various stakeholders. Not all councils in NSW want to prevent the long term parking of boat trailers on public roads. Some councils and
Communities in NSW are not concerned with the long term parking of boat trailers as their local economies rely on recreational and commercial waterway activities. In addition, boat trailers in rural councils are generally not a major concern as boat trailers are generally not parked on the road and/or on-street parking is not an issue (extremely low parking occupancy rates).

In the North Sydney area, the demand for parking is extremely high. There are 22,000 on-street parking spaces and competing for these parking spaces are some 62,000 residents and 51,000 people who work in the area, as well as other visitors to the area.

Over the years, North Sydney Council has lobbied that NSW State Government and made submissions to the Local Government Association of NSW to amend NSW Road Rules No. 200 such that it restricts the time frame boats and trailers are allowed to park on public roads in built up areas. Copies of Council’s previous submissions are attached.

The State Government’s proposed amendments relating to boat trailer parking are of great importance to North Sydney Council. It is imperative that the State Government establish the correct regulatory framework and holistic strategy that gives Council the power to effectively deal with unwanted boat trailers from taking up valuable resident and business parking spaces across the North Sydney LGA.

Every year, Council receives a significant number of complaints from residents and businesses claiming that boat trailers, trailers and advertising trailers are causing parking, road safety, residential and visual amenity issues.

As it is currently legal for registered trailers and boat trailers (less than 4.5 tonnes and 7.5 metres long) to park in built up areas provided they are parked in accordance with any other parking restriction, Council is left with no option but to install parking restrictions, through the Traffic Committee process.

The installation of parking restrictions which prevent the long term parking of boat trailers is unfortunately a suboptimal solution and is not supported as a long term traffic management tool. These types of parking restrictions affect all vehicles (not just boat trailers) and disadvantage residents who are forced to purchase resident parking permits (if they are eligible for one) or move their vehicles regularly or risk getting fined. The installation of these types of parking restrictions also does not prevent boat trailers from coming to a particular area and parking on-street. It merely shifts them from one location to another nearby location. Furthermore, in some areas where boat trailers park parking restrictions are not justified as the roads have low parking occupancy rates.

A recent example of when Council, through the Traffic Committee process, installed boat trailer parking restrictions is in Warringa Road, Warwick Avenue and Park Avenue, Cammeray. After considering a petition signed by a significant number of local residents, Council adopted a Traffic Committee recommendation to install 8 hour parking restriction along these streets.

Once these restrictions were installed, concerns were raised by some residents claiming that the new parking restrictions have had an adverse impact on their amenity. More concerning is the fact that Council is now receiving complaints from residents in nearby surrounding streets and areas that numerous boat trailers have suddenly appeared out of nowhere and are now parking in their streets.
Ultimately any holistic solution to long term boat trailer parking on public roads is the responsibility of the NSW State Government. Council has limited powers to effectively prevent the long term parking of boat trailers in its streets.

**Conclusion**

After reviewing the proposal by the BTWG, it is recommended that Council forward a submission to Transport for NSW raising the following comments and concerns.

- North Sydney Council raises concerns that it was not invited to be part of the Boat Trailer Working Group (BTWG). Over the years, North Sydney Council has made strong representations to the NSW State Government asking that they consider amending NSW Road Rule 200 such that it restricted the timeframe boats and trailers are permitted to park on road in built up areas.

- The long term parking of boat trailers on public roads continues to be a growing problem in the North Sydney Council area. The North Sydney local government area (LGA) plays an important role in the metropolitan transportation network, has major traffic generators (such as train stations, ferries, bus stops, educational institutions and a CBD) and the demand for parking is extremely high. There are 22,000 on-street parking spaces and competing for these parking spaces are some 62,000 residents and 51,000 people who work in the area, as well as other visitors to the area.

- It is important that proposed recommendations which are outlined in the BTWG report effectively remove unwanted boat trailers, trailers and advertising trailers from parking long term on public roads. The proposed recommendations should not be compromised to a point where they do not actually prevent the long term parking of boat trailers taking up valuable parking spaces.

- Council supports, in principle, the proposed recommendation to grant delegation to Council under Section 12 of the Road Transport (Vehicle Registration) Act 1997 to issue penalty notices under Section 18 of the Act which states that a person must not use an unregistered registrable vehicle on a road or on a road related area (Recommendation 1). This will remove the current anomaly which prevents Council’s Rangers from issuing infringements to unregistered vehicles.

- There are, however, serious concerns with the effectiveness of modifying the Impounding Act 1993 such that “unattended” is defined as, “A vehicle which has been unmoved in a public place for a period greater than three months. A vehicle may be considered unattended regardless of whether the vehicle is registered or otherwise” (Recommendation 2).

This recommendation affects all vehicles (not just boat trailers) and fails to prevent long term boat trailer parking. Furthermore, there are strong concerns that a three month time period is too long and will not deter boat trailer owners from parking their vessels on public roads and taking up valuable parking spaces.

If this recommendation were to be implemented, local residents and businesses who own cars, motorbike or any other vehicle and park outside their own properties for longer than three months risk getting fined. In addition the three month timeframe
would most probably lead to “boat shuffling”, where owners of boats will simply move their boats on a quarterly basis down the road or in another nearby location.

- North Sydney Council strongly supports the following changes to the legislation to prevent the long term parking of boat trailers, trailers, advertising trailers and caravans.

1. That Roads and Maritime Services grant delegation to Councils under Section 12 of the Road Transport (Vehicle Registration) Act 1997 to issue penalty notices under Section 18 of the Act which states that a person must not use an unregistered registrable vehicle on a road or on a road related area.

2. That the NSW Government consider amending NSW Road Rule 200 such that it restricts the time frame boat trailers, trailers, advertising trailers and caravans are allowed to park in areas identified in the “Schedule of Participating Councils”, and that a “Schedule of Participating Councils” be created within the relevant legislation to enable council’s to “opt in” or “opt out” of the boat trailer parking restriction scheme. This would enable local councils to choose whether or not they would like to restrict the time frame boat trailers, trailers, advertising trailers and caravans can park on their roads.
Transport for NSW

Boat Trailer Working Group - Discussion report and options paper

March 2013
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DATE: March 2013
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Introduction

Boat Trailer Parking
Numerous Local Councils and residents in the Sydney Metropolitan Area have written to the Premier and Minister for Roads and Ports expressing concern about the growth of boat trailer parking in residential areas. The issue has been an ongoing source of frustration for many members of the community over a number of years with Councils stating that they do not have appropriate powers to be able to deal with the issue effectively. The level of frustration is exacerbated in high density areas where on-street parking is limited and it appears that boat trailers are being left unattended on the streets for months on end.

The issue has been considered by the Maritime Advisory Council\(^1\) which has identified a lack of suitable boat storage infrastructure as a contributing factor to the problem. In August 2012 the Minister for Roads and Ports announced the Government’s Maritime Policy Agenda, which includes a number of initiatives designed to help facilitate an expansion in boat storage capacity, however it will take time for results to be fully realised.

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### Facts and Figures
- There are over 204,000 boat trailers registered in NSW
- There are over 192,000 vessels under 6m in length registered in NSW.
- RMS estimates that approximately 168,000 of these are stored on trailers.
- There are no statistics which indicate how many trailers are stored on public roads and how many are stored on private property.

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Establishment of Boat Trailer Working Group
As part of the Maritime Policy Agenda the Government undertook to conduct a boat trailer parking trial, aimed at discouraging on road boat trailer parking in areas where alternate off-road sites are available. It was envisaged that the NSW Government, through the Office of Boating Safety and Maritime Affairs (OBSMA) in Transport for NSW\(^2\), would work with a small number of metropolitan Councils to establish off-street boat trailer parking sites on vacant lands owned by the Council or the Crown. Owners of boat trailers would be encouraged to park their vehicles at these sites, rather than on the road. The results of the trial would be reviewed to consider the efficacy of this approach in reducing the incidence of boat trailer parking in areas where it is considered to be a problem.

OBSMA held initial discussions regarding the trial with Woollahra Municipal Council and City of Canada Bay Council. These Councils were selected to participate due to their waterside location, the presence of at least one major boat ramp within their LGA, and the number of complaints received from local residents about boat parking practices. Hurstville Council was also invited to participate but declined.

During initial discussions with the Councils it became apparent that it would be unlikely that the trial could proceed as planned due to a lack of available land in some areas, but also due to concerns about the ability of Councils to enforce boat trailer owners to move their trailers to alternate storage sites.

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\(^1\) The Maritime Advisory Council was established on 30 January 2012 to provide independent expert advice to the Minister for Roads and Ports on matters relating to maritime issues in NSW. Members of the Council have expertise across the recreational and commercial boating and maritime property sectors and include representatives from the Boating Industry Association (BIA), the Boating Industry Alliance of Australia (BIAA), and the Boat Owners Association of NSW (BOA).

\(^2\) The Office of Boating Safety & Maritime Affairs was established in October 2011 in Transport for NSW. OBSMA’s role is to lead and direct initiatives which support the Government’s objectives for boating safety, maritime property and waters management.
The Minister for Roads and Ports therefore requested that OBSMA establish a Boat Trailer Working Group (BTWG) to further investigate possibilities for better management of boat trailer parking, including consideration of the effectiveness of existing legislative powers available to Councils to manage the issue.

The BTWG was established on 30 October 2012, chaired by OBSMA and including representatives from the City of Canada Bay, Woollahra Municipal Council, the Division of Local Government within the Department of Premier and Cabinet.

The BTWG undertook a number of actions to inform its report, including:

- Conducting a survey with local councils to collect trailer registration details and confirm the extent to which unattended trailers are being left by people residing outside the local area, as opposed to local residents.
- Achieving a common understanding of the existing regulatory powers available to Councils and the effectiveness of those powers in reducing the incidence of unattended trailers.
- Identification of potential legislative reform options, including key issues and risks.
- Consideration of practical solutions that may reduce the incidence of boat trailers being parked on residential streets, including education campaigns and other storage solutions.

The results of these undertakings are discussed below.

**Boat Trailer Survey**

In order to better understand the boat trailer parking problem and potentially assist the development of more targeted solutions, the BTWG agreed to conduct a survey of locally parked boat trailers to determine where their owners reside. Canada Bay and Woollahra Council staff recorded the registration details of trailers parked within their respective Local Government Areas (LGAs), which were then matched to trailer registration records in the Roads and Maritime Services (RMS) DRIVES database. RMS provided de-identified data displaying the residential postcode of the trailer owners, where available, which was analysed by OBSMA. The results of the survey are discussed below.

**Woollahra Municipal Council**

Officers from Woollahra Council conducted their survey on 8 November 2012 and identified a total of 186 individual trailers parked within their LGA, 113 of which were boat trailers. RMS was able to match 93 of the boat trailer plate numbers to valid, current registrations. Of the plates where the owner could be identified, 65 trailers were found to belong to residents of suburbs in the Woollahra LGA and 28 were found to belong to owners from other LGA’s (11 of these were from suburbs bordering Woollahra). These results are displayed at Fig. 1.
There were a further 20 trailers surveyed in Woollahra for which RMS could not match the plate to a valid owner or registration. Of these, seven were not displaying registration numbers or could not be readily identified by Council staff. One was from interstate. The other 12 trailers that returned blank results on the DRIVES database were either unregistered or had expired registration, or a data entry error may have occurred when Council recorded the registration plate details. Council also identified 3 trailers that were over 7.5m in length. Fig.2. shows the number of trailers where the residential postcode can be identified as well as the trailers that cannot be identified for various reasons.

**Fig. 1 - Residential postcode of boat trailer owner where rego details can be identified - Woollahra (n=93)**

- Woollahra: 70%
- Other LGA: 30%

**Fig. 2 - Residential postcode of boat trailer owner & non-compliant trailers - Woollahra (n=113)**

- Woollahra: 57%
- Other LGA: 25%
- No plate, unregistered, expired, blank, interstate: 18%
City of Canada Bay Council
Officers from Canada Bay Council conducted their survey on the 7th and 8th of November 2012 and identified a total of 81 individual boat trailers parked within their LGA. The entire LGA was not surveyed due to time limitations. RMS was able to match 75 of the plate numbers to valid, current registrations. Of the plates where the owner could be identified, 56 trailers were found to belong to residents of suburbs in the Canada Bay LGA and 19 were found to belong to owners from other LGA’s (only one came from a neighbouring suburb). These results are displayed at Fig. 3.

**Fig. 3** - Residential postcode of boat trailer owner where rego details can be identified - Canada Bay (n=75)

There were a further six trailers surveyed in Canada Bay for which RMS could not match the plate to a valid owner or registration. Of these, two were not displaying registration numbers, two were from interstate and two could not be matched due to having expired registration, or data entry error. Fig.4 shows the number of trailers where the residential postcode can be identified, as well as the trailers that cannot be identified for various reasons.

**Fig. 4** - Residential postcode of boat trailer owner & non-compliant trailers - Canada Bay (n=81)
Key Observations from Survey
The survey demonstrates that in both of the LGA’s studied, the majority of registered (identifiable) boat trailers are owned by local residents. The survey also revealed that in both LGA’s, many trailers are congregated around particular streets or areas, often adjacent to parks, reserves or vacant land.

The survey dispels a common perception among some residents who believe the problem is primarily caused by boat owners from outside of the area leaving their boats parked on trailers in waterside suburbs, rather than near their own homes. While acknowledging the usefulness of the survey results, BTWG Councils note that the issue still remains a major concern for many residents.

The survey also identified a higher than expected proportion of trailers parked on streets in breach of existing regulations. While legislation relating to the parking of vehicles on roads is discussed in more length below, a number of trailers surveyed were breaking existing laws; variously for being unregistered, not displaying registration plates, being in an unsafe/unroadworthy condition, or being over 7.5m in length and/or with a GVM over 4.5 tonnes. Such trailers are inherently likely to be more frustrating for local residents due to being in a state of disrepair, large, rarely moving and/or potentially unsafe. It is noted that many of these trailers have now been addressed by the compliance teams within the respective BTWG Councils.

BTWG Councils acknowledge that more proactive compliance action may reduce the number of parked trailers that breach existing regulations, but note that in some cases assistance from other RMS and/or NSW Police was required to take action against these trailers. It was suggested that improved coordination between agencies would assist in being able to deal with trailers in breach of existing laws (See further Page 8).

Legislative Analysis
Overview
BTWG Councils have emphasised that it is not their intention to restrict or prevent boat trailer owners from being able to park on streets in the vicinity of their homes, or to restrict or prevent short-term parking by visiting boat trailer owners. The intention is to be able to deal more effectively with those trailers that are left parked on streets unattended, unused and unmoved for inordinate amounts of time. It is these trailers that are the source of the majority of complaints from residents, particularly in high density areas where on-street parking is already scarce.

The BTWG identified and reviewed legislation relevant to boat trailer parking, seeking to achieve a common understanding of the existing powers available to Councils and their effectiveness in reducing the incidence of unattended trailers. Potential amendments to address the problem were also considered.

The relevant legislation is administered by either RMS or DLG, while implementation and compliance monitoring is generally the responsibility of Local Government, RMS and NSW Police. While there are a number of instruments that relate to boat trailer parking; there is no specific legislation that applies explicitly to the parking of trailers.

Road Transport (Vehicle Registration) Act 1997
It is a requirement of NSW law that all vehicles be registered to access the road network. It is an offence for any person to use an unregistered registrable vehicle\(^3\) or to cause or permit\(^4\) another to
use an unregistered registrable vehicle on any road or road related area. Use of a vehicle includes standing the vehicle on a road or road related area.

The definition of a registrable vehicle includes any trailer, which includes a boat trailer.

The maximum court imposed penalty for both offences is $2200. A penalty notice (currently $596) can be issued for either offence by NSW Police and RMS enforcement officers. The Act also allows for unregistered registrable vehicles used on a road to be seized by Police.

Registrable vehicles must also not be used on a road or road related area unless they comply with the applicable vehicle standards. NSW Police and RMS enforcement officers may, upon identifying a defective vehicle, issue a defect notice against the vehicle. Defect notices must be cleared by the registered operator of the vehicle within the time prescribed in the notice (no more than 28 days) or else registration sanctions (suspension and ultimately cancellation) apply.

These powers are relevant to boat trailer parking as a number of trailers identified in the Trailer Survey were in breach of the above legislation and compliance action could have been taken against them that may have ultimately led to their removal from the road, or penalty notices being issued, which has the potential to create a change in parking behaviour. However, Councils have indicated that getting action taken against non-compliant trailers can be difficult due to resourcing issues with RMS and NSW Police, who not unreasonably, prioritise safety matters over amenity matters.

BTWG Councils have suggested that improved communication and resource sharing between Councils, RMS and NSW Police may deliver a tangible reduction in the number of non-compliant trailers parked on residential streets including those that are unregistered, unsafe or oversize. Agencies working together to undertake coordinated blitzes of such trailers in particular areas is suggested as a possible means of delivering short term improvements.

Council officers are not currently authorised to enforce vehicle registration laws. Amending legislation to authorise Council Rangers to be able to issue an infringement directly to unregistered or unroadworthy vehicles would provide Councils with the ability to take action against non-compliant trailers, without impacting on the compliance resources of RMS and NSW Police. Such a move would represent a significant policy shift with implications beyond trailer parking, and may have a limited effect in solving the trailer parking problem, given that the majority of trailers identified were registered and meet the vehicle standards. Nonetheless, it may assist targeting some of the most problematic trailers.

**Road Rules 2008**

The *Road Rules* are made pursuant to the *Road Transport (Safety and Traffic Management) Act 1999*. The object of this Act is expressly stated in section 3(c) as “to improve safety… of transport on roads”.

Accordingly, the *Road Rules* are primarily concerned with regulating road safety matters. There is a perception from some member of the community that parked boat trailers pose a greater safety risk, particularly when parked in areas such as School Zones. However, RMS considers that a legally parked, roadworthy trailer, with a load that complies with statutory dimension limits, poses no more of a safety issue than any other similar sized vehicle (such as a small truck). It is clear from the majority of correspondence received and submissions made to Government that the primary concerns relate to amenity rather than safety.

5 Section 4 Road Transport (Vehicle Registration) Act 1997
6 Section 27 Road Transport (Vehicle Registration) Act 1997.
7 Clause 52 Road Transport (Vehicle Registration) Regulation 2007. The applicable vehicle standards are set in Schedule 2 to the Regulation.
8 See also the judgment of Spigelman CJ *Roads and Traffic Authority v Baldock* [2007] NSWCCA 35 who considers the importance of the safety objects of the Act.
The Road Rules are the NSW adoption of the Australian Road Rules ("ARR"), developed by the National Transport Commission ("NTC") and agreed by all jurisdictions to be consistently implemented. While local variations to the ARR are permitted, they are made sparingly in order to preserve the national uniformity of the ARR. Further, such changes are likely to be subjected to Regulatory Impact Statement ("RIS") requirements as they are a deviation from the agreed national position and not captured by the RIS prepared by the NTC.

Parking Restrictions - There are a number of aspects of the Road Rules that are relevant to boat trailer parking. Sections 205 and 205(a) of the Road Rules allow Councils to erect parking signs that prohibit the parking of vehicles for particular lengths of time, or for a period of time on a particular day(s). Examples of such parking signs are 'No parking, 0900 to 1700', or 'No Parking, Saturday 1000-1200'.

These powers are generally used as a parking management tool to ensure turnover of parking spaces. They have sometimes been used by various Councils (including Woollahra and North Sydney) to target streets where boat trailers, caravans and the like are stored for extended periods of time, by forcing owners to regularly move their vehicles or risk being fined. These restrictions can be effective to move trailers out of a particular street. However, BTWG Councils advise that parking restrictions have proven ineffective for resolving the issue more holistically for a number of reasons.

Parking restrictions have to be signposted and while they are effective in moving trailers from the immediate vicinity of a notice, owners often simply relocate to a nearby area that is not subject to parking restriction and the problem recommences. To effectively resolve the issue, parking restrictions would need to be introduced across large areas of an LGA. BTWG Councils advise that this would be prohibitively expensive and unwelcome from an amenity perspective as well as causing inconvenience to residents and visitors.

Additionally, most residential streets are not currently subject to time limited parking and many Councils have tried to leave residential areas free from parking restrictions because of the nuisance they cause local residents. Large scale application of parking restrictions would be a significant burden on all road users, who would have to move their vehicles regularly or face a fine.

BWG Councils advise that RMS, through the Local Traffic Committees, has historically been reluctant to implement time limited parking if the justification is purely to move on trailers, because time restricted parking is generally intended to encourage turnover in areas of high parking demand, not prevent parking by particular types of vehicles. Imposition of time limited parking would also restrict all vehicles from parking.

Long & Heavy Vehicles – S.200 of the 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, not specifically trailers. A built up area is an area where there are either buildings less than 100 metres apart, or street lights less than 100 metres apart, for a distance of at least 500 metres, or, if the length of road is shorter than 500 metres, for the whole road.

S.200 is effective for moving on long and heavy trailers and effectively prevents large vessels from being stored on the road in congested areas. The Advisory Council on Recreational Fishing has raised the issue that owners of boat and trailer combinations over 7.5m in length have been unable to park their vehicles at some boat ramps due to limited parking facilities. Owners that have parked on the street have been fined by Councils. Uncoupling boats from trailers when parking may reduce the overall length of the vehicle to a legal length, however if the trailer itself is over 7.5m in length this approach does not work. The need for more and larger trailer parking bays will be a key design consideration for future ramp development.

The Advisory Council on Recreational Fishing advises the Minister for Primary Industries on recreational fisheries matters.
In their representation to the Government requesting restrictions to boat trailer parking, numerous Sydney Metropolitan Councils voiced support for an amendment of S.200, requesting that the rules be extended to apply to all trailers, regardless of their weight or length. However, S.200 applies to all long and heavy vehicles, because they universally cause problems in built up areas. Street parking of smaller trailers does not cause problems universally; it is predominantly an issue in harbourside/waterside locations with limited parking availability.

Imposing a time restriction on the parking of all trailers across the State would have an impact on a large sector of the community and make it impossible for trailer owners to park on the road for any significant period of time. This would be a considerable imposition as s.200 applies to every built up area in the State, including in many areas where the parking of trailers on the road is common practice that does not cause any concern. There would also be a significant impact on coastal and river communities that are economically reliant on recreational trailer boat tourism, particularly in rural areas, where the street may be the only trailer parking option, and one which causes minimal concern for other road users and residents.

_Road Transport (Safety and Traffic Management) Regulation 1999_

Part 6 of the _Road Transport Regulation_ relates to parking permit schemes. Section 124 allows Councils to implement parking permit schemes that exempt local residents and/or their visitors from parking restrictions if they possess a Council-issued parking permit. Councils can place different conditions on parking permit schemes throughout different sections of an LGA and many Councils divide their LGAs into various management zones where different parking policies apply.

Councils have some discretion over the terms and conditions around resident parking permit schemes and to whom permits can be issued, but must comply with guidelines issued by RMS. RMS recently released new Permit Parking guidelines which note that Councils should not issue parking permits to boat trailer owners. Were Councils to implement a resident/visitor parking scheme, local trailer owners would therefore not be able to park in the vicinity of their home.

Consideration could be given to amending the Permit Parking guidelines to allow Councils to issue permits to local trailer owners, although this would still prevent short-term parking from visiting trailers. Dedicated parking spaces at popular boat ramps generally fill quickly, forcing many boat owners, including those visiting from suburbs with no waterway access, to park their trailers in nearby streets while their boats are out on the water.

BTWG Councils note that an example of a ‘No parking, Permit Holders Excepted’ scheme which overcomes this problems is the introduction of a parking restriction for one hour a day, one day a week. This allows short-term visitors to park trailers in the areas, while ensuring turnover of parking spaces at least every 7 days.

BTWG Councils advise that while such a scheme can be effective in ensuring turnover, most trailers simply move to a nearby street where the restriction does not apply. Councils also note that parking permit schemes are expensive and cumbersome for Councils to manage and pose an ongoing administrative and compliance burden. Also, parking permit exemptions can only be applied to areas that are subject to a parking restriction, so in order to implement a parking permit exemption, parking restrictions would need to be created across swathes of an LGA, to avoid trailers simply being moved to adjacent streets. This would be expensive for Councils to implement and enforce, would be unwelcome from an amenity perspective and an inconvenience for residents.

_Local Government Act 1993_

The _Local Government Act 1993 (LGA)_ is administered by the Division of Local Government within Department of Premier and Cabinet (DLG). A number of sections of the LGA are relevant to trailer parking, the most notable being Section 632.
Section 632 allows Councils to erect notices that relate to the parking, driving, or use of a vehicle in a public place, as well as to the doing of any thing in a place. This allows Councils to prohibit the parking of trailers by notice (signposting) in specific areas, such as Council owned or administered land, parks and reserves, commons and other public places.

Clause 632 (2A) (b) prevents notices under s.632 being used to regulate the use of a vehicle, including parking, on roads and roadside areas. Roads and roadside areas include the road itself as well as footpaths, nature strips and shoulders. This clause is included in the LGA so that s.632 does not encroach on the relevant Roads legislation and confirms that RMS, rather than Council, has primary responsibility for the regulation of the road and roadside areas. The number of public places (other than the road or roadside area) in residential areas where trailers are likely to park and/or cause problems appears fairly limited.

Clause 632 (2B) is also of interest to the trailer parking issue, because it allows the City of Sydney to erect notices preventing the parking of vehicles for the purpose of sale. This clause is somewhat anomalous with the rest of the Local Government Act as it only applies to the City of Sydney LGA, is only applicable to the sale of vehicles, and is also the only clause in the LGA which gives Council the authority to regulate the use of a vehicle on the road, which usually comes under the authority of RMS.

632 (2B) relates to the sale of vehicles and it is this commercial aspect, rather than the act of parking, that the clause seeks to address. Additionally, the introduction of 632 (2B) was complemented by the City of Sydney providing an alternative vehicle parking site, specifically designed for the sale of vehicles, to offset the loss of the use of the street where the sale of vehicles was prohibited.

S.632 (2B) also requires the erection of a notice and as such, even if a scheme preventing trailer parking were implemented, it would have the same limitations as installing sign-posted parking restrictions across an entire LGA.

In summary, S.632 currently provides Councils with the ability to relatively effectively manage trailers that may be parked in most public places, but not on roads or road related areas. Any amendment to the LGA would be unlikely to curtail boat trailer parking behaviour in any meaningful manner unless it significantly increased the regulatory authority Councils have over roads and roadside areas, which have traditionally been administered by RMS.

**Impounding Act 1993**

The Impounding Act 1993 (IA) is administered by the Division of Local Government within the Department of Premier and Cabinet. The IA is of relevance to boat trailer parking because Section 15 allows an Impounding Officer to impound an article, if the Officer believes on reasonable grounds that the article has been abandoned or left unattended. Council regulatory staff are authorised Impounding Officers.

Some Councils have found the IA to be workable and effective for moving on boat trailers that are parked or left in a street for inordinate periods of time by impounding them, or alerting owners that if the vehicle is not moved, it will be impounded. Most Council's currently only initiate action under the IA if the vehicle is unregistered, although the legislation does not prevent the impoundment of a registered vehicle. Section 16 of the IA sets out the procedures for impounding a motor vehicle and requires an Impounding Officer to make all reasonable enquiries to identify the name and address of the owner prior to impounding it. If the Officer can identify the owner, they must be given at least 3 days notice to remove the vehicle prior to it being impounded. Council staff have reported that in most instances, when trailer owners are alerted that their vehicle will be impounded, the trailer is promptly moved. Currently, if the vehicle owner advises that the trailer is not abandoned or unattended, even if unregistered, Council officers can take no further action to have the offending vehicle removed; although they may advise NSW Police if the vehicle is unregistered.
The IA is effective for dealing with articles that have been abandoned, but is less clear regarding articles that are unattended. In the IA, ‘unattended’ is defined in relation to an animal, however ‘unattended’ is not defined in relation to an article, although s.15 confirms that an article can be unattended, and impounded for being so. If a vehicle is registered and legally parked it would not generally be considered ‘abandoned’ or ‘unattended’.

Because being ‘unattended’ is dependent on an Impounding Officer believing on reasonable grounds that an article has been left ‘unattended’, an assessment of being unattended relies on the enquiries made by the Impounding Officer and the subjective opinion these enquiries inform. BTWG Councils suggest that the inclusion of a definition of unattended with respect to vehicles, or more specifically boat trailers, would assist Councils in being able to move on boat trailers left unmoved on residential streets for inordinate periods of time.

The definition suggested by BTWG Councils would allow for a boat trailer to be considered unattended for the purposes of the IA if it has been left unmoved in a period of place for longer than x weeks or months. BTWG Councils suggest that the length of time should be determined through consultation, but suggest that 3 months might be a reasonable period.

DLG have noted a number of issues with the proposal, including

- It may extend to all parked vehicles, with ramifications for all vehicle owners, not just boat trailers.
- It would be a major policy change representing a significant extension of powers to Councils.
- There is significant potential for overuse of the powers beyond their intention.
- Enforcement and compliance monitoring would be difficult meaning application of the legislation may be unclear and ambiguous – issues such as what constitutes ‘being moved’ and how an officer might determine whether a trailer had or had not ‘moved’, may be contentious.
- The proposed legislative change would allow a trailer owner to avoid the risk of impoundment by moving their trailer a small distance, but still remaining within the area, thus limiting the effectiveness of the change in addressing the problem.
- Extensive consultation would be required if such an amendment were to be considered, to determine the effects on other stakeholders (eg non-metropolitan councils, and other vehicle owners).

BTWG Councils advise that gathering sufficient evidence to determine that a trailer has been left unmoved and therefore “unattended” will be challenging and labour intensive. However, modern compliance techniques can provide a strong degree of certainty in assessing whether a vehicle has been moved or not.

The IA has one other function of relevance to boat trailers which relates to those that cause danger. Clause 5 of section 16 of the IA allows for the immediate impounding of a vehicle if an impounding officer is satisfied on reasonable grounds that its immediate removal is justified because it is causing an obstruction to traffic, or is likely to be a danger to the public. Councils have identified some situations where they believe trailers are posing a danger to the public.

**Non-Legislative Solutions**

**Maritime Policy Agenda**
The Government’s Maritime Policy Agenda, which was announced by the Minister for Roads and Ports on 3 August 2012, contains a number of actions designed to improve boat storage and waterways access across NSW.

Boat ownership forecasts highlight an urgent need for a range of suitable boat storage options and the Government’s Boat Storage Strategy, which forms part of the Maritime Policy Agenda, will consider boat storage requirements on a waterway-by-waterway basis and identify measures to ensure that capacity matches demand. One of the effects of the Strategy should be a reduction of on-street boat trailer parking.
Boat ownership in NSW is forecast to increase at approximately 2.9% per year, creating a significant challenge in accommodating demand for both on-water and off-water boat storage facilities. Growing boat ownership will also increase demand for boating services and facilities including infrastructure which provides access to waterways. It is also recognised that the demand for boat storage has increased the number of boats being stored on trailers in residential streets. The Boat Storage and Safe Waterways Access Strategy includes actions designed to increase the capacity of off-road boat storage, waterways access and related facilities.

**Boat Storage Strategy**
A comprehensive Boat Storage Strategy is being developed that will consider boat storage capacity requirements in NSW on a waterway-by-waterways basis.

Starting with Sydney Harbour, the Strategy will explore options to encourage the development of a major drystack storage facility on the Harbour. Drystack storage can reduce the incidence of boats stored on the street because they fit a high volume of vessels into a relatively small space, are primarily targeted towards trailer-sized vessels and offer a high level of convenience to users.

Under the Strategy, the Government will also provide assistance to help local Councils establish alternate off-road trailer boat parking facilities. OBSMA is interested to discuss opportunities to develop boat trailer parking facilities with Councils and/or interested boating organisations in the future. If suitable sites can be identified, funding opportunities may be made available for such projects under the Government’s Boating Infrastructure Partnership Program, which will replace the existing Better Boating Program after 2014. Establishment of such sites should reduce on-street parking of trailers in suburbs surrounding the site and may also have a flow-through effect in other areas if alternate storage sites become an attractive alternative to on-street storage.

**Boating Infrastructure Partnership Program**
Since 1998, the Better Boating Program (BBP) has provided more than $35 million in grants to support more than 600 projects across the state including boat ramps, public wharves, public pontoon facilities, dinghy storage and sewage pump-out facilities. Maritime stakeholders have indicated strong support for continuation of a boating infrastructure grants program to replace the current BBP in 2014.

A Boating Infrastructure Partnership Program will build on the BBP by developing partnership programs with local government and boating organisations to expand the construction of safe and accessible public boat ramps, pontoons, boat trailer parking, sewage pump-out facilities throughout the State.

The establishment of more boat ramps may reduce the number of visiting trailers being left in the vicinity of existing ramps. Spreading usage across more ramps may reduce parking pressure at individual locations. Establishment and upgrade of boat ramps will continue under the Boating Infrastructure Partnership Program. Additionally, boat ramps and associated facilities will need to maximise parking opportunities as much as possible and seek assistance from Councils to increase parking spaces.

**Moorings Review**
RMS is responsible for the management of approximately 15,800 private moorings and 4,900 commercial moorings in NSW. In many areas there is insufficient mooring capacity to accommodate growing boat ownership demand. Stakeholder feedback suggests that as well as the need to increase the total number of moorings, better use can be made of existing facilities through reforms to administration and compliance arrangements.

The Moorings Review will examine the ability of the existing NSW regulatory and policy framework to respond to future demand. The Review will consider options for increasing capacity through alternate mooring styles, administrative reforms and new technologies. Improvements to current mooring arrangement will improve the boat storage situation in NSW.
Engaging with boating stakeholders

The Office of Boating Safety & Maritime Affairs leads the Government’s engagement with the boating industry and boating stakeholders through a number of committees and working groups, including the Maritime Advisory Council. Working with RMS, OBSMA has a substantial communication network including direct mail out potential to over half a million boaters, an extensive network of local user groups, peak advisory groups and the Maritime Advisory Council; all of which assist dissemination of information and discussion about boating issues.

This creates a significant opportunity to raise awareness about the inconvenience boat trailer parking can have on other road users and local residents as well as about the negative impression poor parking practices can give all boaters (a considerable lever given 1.8 million people go boating every year in NSW). A significant opportunity exists to undertake educative activities designed to improve boat trailer parking practices and behaviour. These channels will also prove effective in communicating any regulatory changes which may arise in the future.

Summary views of BTWG members

The work undertaken by the BTWG demonstrates the complexities involved in developing solutions to address the problems caused by long term boat trailer parking in some residential areas. While the existing regulatory framework provides Councils with powers to manage the problem each option has broader impact on the community than just changing the parking habits of boat trailer drivers.

Members of the BTWG have differing views on the potential legislative solutions identified in the report (see below). All members do however support further investigation of ways to improve the coordination and effectiveness of compliance activities to help deal with those boat trailers that are in breach of existing legislation.

Transport for NSW

In the long term, an increase in the capacity of dedicated boat storage facilities arising from the actions in the Maritime Policy Agenda should help address the growth in demand for on-street boat trailer parking.

The legislative analysis suggests that dealing with the problem through amendments to Roads legislation would most likely require a broad ranging instrument that would result in trailers being treated differently to other type of vehicles on public roads. This would be a fundamental policy shift from the status quo where all registered vehicles (including trailers) have the same rights to access, drive and park on public roads. Broad engagement with the community would need to take place before such a change could be considered. Changes to Roads legislation also represent a blunt instrument for addressing what Councils acknowledge is a targeted group of vehicles that cause the majority of problems.

Transport for NSW can facilitate further investigations with relevant agencies to try and improve the effectiveness of compliance activities for dealing with boat trailer in breach of existing legislation.

Division of Local Government

The working group has established that the majority of registered (identifiable) boat trailers are owned by local residents. Furthermore, the issue of boat trailer parking has been partly attributed to breaches of existing regulations including unregistered trailers, unsafe / unroadworthy trailers or trailers exceeding 7.5m in length and/or with a GVM over 4.5 tonnes.

These boat trailer issues have since been partially addressed by the councils, resolving some of the initial concerns raised. Continued efforts with NSW Police and targeted enforcement campaigns within the existing legislation, may prove to be effective in addressing the immediate issues as discussed in the report.
Further discussion towards alternative regulatory operating models should be considered, such as whether councils should have a more active role in the issuing of infringements on behalf of Agencies. This may provide opportunities for councils to develop more effective partnership programs with NSW Police Local Area Commands, in an effort to address localised regulatory issues with a community focused response. Use of targeted enforcement programs, such as addressing existing regulations breaches with boat trailers, would be an example of such an approach.

Changing the Impounding Act as suggested would mean citizens could no longer park their boat trailer for a period greater than 3 months on a public road. This would represent a deviation from the objectives of the IA (which was not intended as a parking management tool) and a significant change in policy regarding the fundamental right to access and use public roads.

As noted in the Woolworths Ltd v Waverley Council case, the application of the Impounding Act “should be construed in the light of the fact that it permits the serious invasion of the proprietary rights of citizens”.

Providing councils with the power to remove boat trailers parked longer than 3 months would also be problematic to regulate, requiring extensive consultation with the community before such a measure was considered.

The DLG will be releasing a discussion paper in April 2013 on the future direction for councils. This paper will follow 2 months of consultation where council will have the opportunity to provide input into the future role of local councils. Councils may choose to consider on a wider policy scope, other regulatory functions required by councils to improve the responsiveness in dealing with community issues.

**BTWG Councils**
The BTWG Councils recommend:

1. That Roads and Maritime Services grant delegation to Councils under Section 12 of the Road Transport (Vehicle Registration) Act 1997 to issue penalty notices under Section 18 of the Act which states that a person must not use an unregistered registrable vehicle on a road or on a road related area.

2. The NSW Government considers modifying the *Impounding Act 1993* such that “unattended” is defined as, “A vehicle which has been left unmoved in a public place for a period greater than three months. A vehicle may be considered unattended regardless of whether the vehicle is registered or otherwise”, or similar wording as appropriate.

The first recommendation above removes the current anomaly which prevents Rangers from issuing infringements to unregistered vehicles. It also means that Councils can manage these issues, without having to rely on the resource-stretched RMS and NSW Police.

The second recommendation allows Rangers to target trailers which have been parked for some time and for which Council has received complaints. This would still allow residents to have their boat or trailer parked in front of their own property for three months without needing to move it. This recommendation appears to represent the best compromise for managing the issue of trailers parked for long periods, given that there appears to be limited support for modifications to the Roads legislation.
Ms Kristina Keneally MP  
Premier of New South Wales  
Level 40  
Governor Macquarie Tower  
1 Farrer Place  
SYDNEY. NSW 2000

3 September 2010  

Dear Premier

RE: BOAT & TRAILER PARKING

North Sydney Council writes in support of recent correspondence you have received from Woollahra Council regarding the parking of boats, trailers and other vehicles with advertising on public roads. North Sydney supports the suggestion to change NSW Road Rule 200.

The Australian Road Rules have been enacted into law by the State Government and are generally uniform across Australia. NSW Road Rules 200 states that it is legal for a registered trailer to be parked in a built-up area, in accordance with any parking restrictions. The object being carried by the trailer, for example a boat or advertising is not of concern to this Rule. As long as the trailer is registered and parked in a zone that permits parking, Council cannot lawfully take any action to move the trailer or to demand the trailer be moved.

Parking in North Sydney is a big issue. In the North Sydney area, there are 22,000 on-street parking spaces. Competing for these parking spaces are some of the 62,000 residents and 51,000 people who work in the area, as well as other visitors to the area. The demand for parking in inner urban dense residential areas such as North Sydney is therefore extremely high. Boats and trailers in these areas take up the very scarce parking resource, often for weeks or months on end, without moving. Residents find this frustrating, as they are already competing with commuters and visitors to the area for the limited supply of parking spaces.

North Sydney Council has implemented resident parking schemes in many parts of the LGA. Under Council’s Resident Parking Permit Policy, boats and trailers are not entitled to a parking permit. However, the remaining unrestricted parking is often taken up by boats and trailers. This limited and valuable unrestricted parking resource therefore cannot be used by residents and visitors to the area. Parked boats can also be perceived as unsightly. Many of these boats are owned by people who do not live in the inner city, and who just wish to keep their boat close to Sydney Harbour.
Council has installed restricted parking in some streets to force trailers and boats to move, particularly if there are safety concerns. However, they generally move to a nearby location “around the corner”. Council has considered the widespread installation of 12 Hour Parking which would allow longer term parking for guests and it would also get rid of boats parked for extended periods of time. However, there are significant costs associated with this, and it still has the impact of moving boats to another nearby location or suburb.

There are rules for larger vehicles. The driver of a heavy vehicle (GVM of 4.5 tonnes or more) or long vehicle (a vehicle that, together with any load or projects, is 7.5 metres long, or longer) must not stop on a length of road in a built-up area for longer than 1 hour. Council would request that legislation be changed such that trailers smaller than this cannot stop in a built up area for longer than 24 hours.

The proposed change does not restrict the parking of these legally registered vehicles on a public road, but does restrict their time frame, and it is hoped that this would ensure the turnover of vehicles in inner city areas near the harbour foreshore and throughout North Sydney where parking is in high demand.

I would appreciate your consideration of the above issues and Council’s request to NSW Road Rules 200.

Should your office wish to discuss this further, I can be contacted on 9936 8112.

Yours sincerely

Genia McCaffery
MAYOR

cc Andrew Petrie, Mayor, Woollahra Council
22 September 2010

Ms Genia McCaffery
Mayor
North Sydney Council
PO Box 12
NORTH SYDNEY NSW 2059

Dear Ms McCaffery

I write in response to your recent letter to the Premier concerning boat and trailer parking.

As the matter you have raised concerns the administration of the Minister for Roads, and Minister for Western Sydney, the Hon D L Borger, MP, your letter has been forwarded to the Minister for attention.

You may be sure that your letter will receive close consideration.

Yours sincerely

David Swain
for Director General
Dear Councillor McCaffery

Thank you for your letter to the Premier about boat and trailer parking. I have taken careful note of your comments.

I understand that rule 200 in the NSW Road Rules is essentially the same as what is recommended in the Australian Road Rules, which are the model rules now used by all Australian jurisdictions.

I am advised that the Roads and Traffic Authority (RTA) has previously indicated to Woollahra Council that the parking of trailers for advertising purposes, and the parking of boat trailers, are considered to be amenity rather than traffic issues. Further, it is not appropriate to make changes to road transport legislation to deal with amenity impacts on local communities.

I am further advised that the RTA also indicated to Woollahra Council that it was prepared to participate in Council’s proposed taskforce to consider these issues further. This position has not changed.

Again, thank you for writing to the Premier with your views. For more information please contact the RTA action officer, Mr Craig Moran, General Manager, Traffic Management, on (02) 8588 4369.

Yours sincerely

David Borger MP
Minister for Roads
Minister for Western Sydney
C03: Boat and Trailer Parking

Submitting correspondence from the Minister for Roads, David Borger (05/11/10) regarding rules and regulations relating to Boat & Trailer street parking.

RESOLVED:
THAT the correspondence be received.

The Motion was moved by Councillor Reymond and seconded by Councillor Barbour.

Voting was as follows: Unanimous

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Dear Councillor McCaffery,

Thank you for your letter to the Premier about boat and trailer parking. I have taken careful note of your comments.

I understand that rule 200 in the NSW Road Rules is essentially the same as what is recommended in the Australian Road Rules, which are the model rules now used by all Australian jurisdictions.

I am advised that the Roads and Traffic Authority (RTA) has previously indicated to Woollahra Council that the parking of trailers for advertising purposes, and the parking of boat trailers, are considered to be amenity rather than traffic issues. Further, it is not appropriate to make changes to road transport legislation to deal with amenity impacts on local communities.

I am further advised that the RTA also indicated to Woollahra Council that it was prepared to participate in Council’s proposed taskforce to consider these issues further. This position has not changed.

Again, thank you for writing to the Premier with your views. For more information please contact the RTA action officer, Mr Craig Moran, General Manager, Traffic Management, on (02) 8588 4369.

Yours sincerely,

[Signature]

David Borger MP
Minister for Roads
Minister for Western Sydney
Council Ref: 255.G
Your Ref: 

14 December 2011

Mayor Genia McCaffery
North Sydney Council
PO Box 12
NORTH SYDNEY NSW 2059

Dear Mayor McCaffery

Boat & Trailer Parking on Public Roads

At the Woollahra Municipal Council meeting on the 28 November 2011, the issue of boat and trailer parking on public roads was discussed. The Council resolved:

That the Mayor write to the Councils listed in the report seeking their endorsement to approach the Premier and the Minister for Roads and Ports to amend Regulation 200 of the NSW Road Rules 2008 such that time limits are placed on the parking of registered trailers, boat trailers and advertising trailers in built-up areas.

Regulation 200 of the NSW Road Rules 2008 permits a registered trailer or boat trailer (less than 4.5 tonnes and less than 7.5 metres long) to park in a built-up area in accordance with any parking restrictions. In unrestricted parking areas these trailers and boat trailers may legally park for an indefinite period. Vehicles greater than 4.5 tonnes or longer than 7.5 metres may only stop in a built-up area for 1 hour.

As you would be aware, the demand for parking in inner urban and dense residential areas is extremely high. The amenity of residents is being increasingly eroded as the limited and valuable parking resource is being taken up by boats and trailers. The parking cannot therefore be used by residents, their guests, tradespeople or other visitors to the area. Some of these boats may be parked for weeks or months on end, without being utilised or moved.

The recommended change to Regulation 200 of the NSW Road Rules does not restrict the parking of these legally registered vehicles on a public road, it only restricts their time frame. It is hoped that this will ensure the turnover of vehicles in areas along the Harbour foreshore and beach-front areas where parking is in high demand. The forced turnover of these vehicles may assist in dispersing the problem and/or it may encourage boat and trailer owners to store their private vehicles off-street in their own properties rather than leaving them “conveniently” positioned near Harbour and beach-front areas, to the detriment of local residents and other road users.
Woollahra Municipal Council intends to approach the Premier and Minister for Roads and Ports to amend Regulation 200 of the NSW Road Rules and is seeking the endorsement and support of your Council for this change.

I have enclosed a copy of the letter which I intend to send to the Premier. If you wish to be part of this group, I would ask that you prepare a letter along the same lines (or use this one). Please return your endorsement to Woollahra Council in the enclosed envelope by the end of February 2012. We will collate the various responses and send them to the Premier.

Also enclosed is a copy of my Mayoral Minute dated 28 November 2011.

Should you have any further enquiries, please contact Council’s Manager Engineering Services, Cathy Edwards-Davis on 9391 7127

Yours sincerely

[Signature]

Cr Susan Wynne
Mayor
Dear Premier

Boat & Trailer Parking On Public Roads

At the Woollahra Municipal Council meeting on the 28 November 2011, the issue of boat and trailer parking on public roads was discussed. The Council resolved to approach the Premier and the Minister for Roads and Ports to amend Regulation 200 of the NSW Road Rules 2008 such that time limits are placed on the parking of registered trailers, boat trailers and advertising trailers in built-up areas. <X Council>, <Y Council>, etc. have indicated to Woollahra Municipal Council that they endorse and support placing time limits on the parking of registered trailers, boat trailers and advertising trailers in built-up areas. I have enclosed a copy of their letters of endorsement.

Regulation 200 of the NSW Road Rules 2008 permits a registered trailer or boat trailer (less than 4.5 tonnes and less than 7.5 metres long) to park in a built-up area in accordance with any parking restrictions. In unrestricted parking areas these trailers and boat trailers may legally park for an indefinite period. Vehicles greater than 4.5 tonnes or longer than 7.5 metres may only stop in a built-up area for 1 hour.

The demand for parking in inner urban and dense residential areas is extremely high. The amenity of residents is being increasingly eroded as the limited and valuable parking resource is being taken up by boats and trailers. The parking cannot therefore be used by residents, their guests, tradespeople or other visitors to the area. Some of these boats may be parked for weeks or months on end, without being utilised or moved.

The recommended change to Regulation 200 of the NSW Road Rules does not restrict the parking of these legally registered vehicles on a public road, it only restricts their time frame. It is hoped that this will ensure the turnover of vehicles in areas along the Harbour foreshore and beach-front areas where parking is in high demand. The forced turnover of these vehicles may assist in dispersing the problem and/ or it may encourage boat and trailer owners to store their private vehicles off-street in their own properties rather than leaving them “conveniently” positioned near Harbour and beach-front areas, to the detriment of local residents and other road users.
In July 2009 and August 2010, Council made formal representations to the previous NSW Government to establish a taskforce with the intention of amending the legislation regarding the parking of boats, trailers and advertising vehicles. Unfortunately the previous Government did not take any action on this issue.

I would appreciate your consideration of this matter.

Yours sincerely

Cr Susan Wynne
Mayor
Mayoral Minute

Mayoral Minute No: 1
Subject: BOAT AND TRAILER PARKING ON PUBLIC ROADS
Author: Cr Susan Wynne, Mayor
File No: 255.G
Reason for Report: For Council to seek amendment to Australian Road Rule 200

Recommendation:

That the Mayor write to the Councils listed in the report seeking their endorsement to approach the Premier and the Minister for Roads and Ports to amend Regulation 200 of the NSW Road Rules 2008 such that time limits are placed on the parking of registered trailers, boat trailers and advertising trailers in built-up areas.

Background:

Regulation 200 of the NSW Road Rules 2008 permits a registered trailer or boat trailer (less than 4.5 tonnes and less than 7.5 metres long) to park in a built-up area in accordance with any parking restrictions. In unrestricted parking areas these trailers and boat trailers may legally park for an indefinite period. Vehicles greater than 4.5 tonnes or longer than 7.5 metres may only stop in a built-up area for 1 hour.

The demand for parking in inner urban and dense residential areas, such as Woollahra, is extremely high. The amenity of residents is being increasingly eroded as the limited and valuable parking resource is being taken up by boats and trailers. The parking cannot therefore be used by residents, their guests, tradespeople or other visitors to the area. Parked boats can also be perceived as unsightly. Many of these boats are owned by people who do not live in Woollahra, and who just wish to keep their boat close to Sydney Harbour. Some of these boats may be parked for weeks or months on end, without being utilised or moved.

Council has installed restricted parking in some streets to force trailers and boats to move, particularly if there are safety concerns. However, they often just move to a nearby location “around the corner”.

In July 2009, Council made formal representations to the NSW Government to establish a taskforce with the intention of amending the legislation regarding the parking of boats, trailers and advertising vehicles. The State Government, through the RTA, was not supportive of any action on this matter.

Subsequently, in August 2010, Council wrote to the then Premier (Kristina Keneally MP), the then opposition leader (Barry O’Farrell MP), the then Minister for Roads (David Borger MP) and the then Shadow Minister for Roads (Andrew Stoner MP) proposing a change to Regulation 200 of the NSW Road Rules.

Woollahra Council has also canvassed other Councils in relation to how they deal with the matter of long-stay trailers, boats and advertising trailers. A number of Councils were supportive of
alternatives and a number supported the proposal to form a taskforce to consider options for dealing with the issue.

The recommended change to Regulation 200 of the NSW Road Rules does not restrict the parking of these legally registered vehicles on a public road, it only restricts their time frame. It is hoped that this will ensure the turnover of vehicles in areas along the Harbour foreshore where parking is in high demand. The forced turnover of these vehicles may assist in dispersing the problem and/or it may encourage boat and trailer owners to store their private vehicles off-street in their own properties rather than leaving them “conveniently” positioned near Harbour and beach-front areas, to the detriment of local residents and other road users.

It is recommended that the Mayor approach the following Councils to seek their endorsement to approach the Minister for Roads and the Premier regarding this issue: Ashfield, Auburn, Ballina, Botany, Canada Bay, Hunters Hill, Hurstville, Kempsey, Kogarah, Ku-ring-gai, Lane Cove, Leichhardt, Manly, Marrickville, Mosman, North Sydney, Parramatta, Pittwater, Randwick, Rockdale, Ryde, Strathfield, Sutherland, Sydney City, Warringah, Waverley and Willoughby.

Cr Susan Wynne
Mayor

Annexures:
Nil
Cr. Susan Wynne  
Mayor  
Woollahra Municipal Council  
PO Box 61  
DOUBLE BAY. NSW 1360

21 December 2011

Dear Mayor Wynne

RE: Boat and Trailer Parking on Public Roads

Thank you for your letter of 14 December 2011 regarding boat and trailer parking on public roads.

I will prepare a Mayoral Minute recommending that North Sydney Council endorse and support Woollahra Municipal Council in approaching the Premier and Minister for Roads and Ports to amend Regulation 200 of the NSW Road Rules.

My Mayoral Minute will be put to the first meeting of Council in the New Year.

May I take this opportunity to wish you all the best for the festive season.

Yours sincerely

Genia McCaffery  
MAYOR
5. MM01: Boat and Trailer Parking on Public Roads

The long term parking of boats and trailers on public roads is a growing problem in the North Sydney Council area and in other councils in NSW. Currently the NSW Road Rules 2008 remains silent on boats and trailers parking on public roads. In fact, NSW Road Rule No 200 permits registered trailers and boat trailers (less than 4.5 tonnes and 7.5 metres long) to park in built up areas provided they are parked in accordance with any other parking restriction. Vehicles greater than 4.5 tonnes or longer than 7.5 metres may only stop in a built up area for a maximum time limit of one hour.

In the North Sydney area, the demand for parking is extremely high. There are 22,000 on-street parking spaces and competing for these parking spaces are some 62,000 residents and 51,000 people who work in the area, as well as other visitors to the area. The parking of registered boats and trailers on the public roads is frustrating members of our community. Boats and trailers are often parked for long periods of time and occupy the limited on-street parking spaces, often in areas where residents have no option but to park on the street. In addition, the long term parking of such large vehicles can, in some situations, cause road safety issues and can visually detract from the residential nature of local roads.

Over the years, Council, through the Traffic Committee process, has considered installing various types of parking restrictions in an attempt to alleviate the problem of unwanted boats and trailers parking on public roads. The installation of such restrictions is, unfortunately, a very crude measure to address the issue of boats and trailers. It does not stop them from coming to a particular area and parking on-street, but merely shifts them from one location to another nearby location.

To enable Councils to effectively regulate the parking of boats and trailers, changes to state legislation need to be made. Correspondence has been received from Woollahra Municipal Council, advising that they are experiencing similar problems with boat and trailer parking. They are seeking our support in approaching the relevant state authorities, requesting that Regulation 200 of the NSW Road Rules be amended such that it restricts the time frame boats and trailers are allowed to park in built up areas.

It is therefore recommended -

THAT the Mayor on behalf of Council write to the Premier and the Minister for Roads and Ports, endorsing and supporting Woollahra Municipal Council’s proposal to request an amendment to Regulation 200 of the NSW Road Rules 2008 such that it restricts the time frame registered trailers, boat trailers, advertising trailers and caravans are allowed to park in built up areas.

By consent the Minute was amended and the Minute standing moved it was

RESOLVED:

THAT the Mayor on behalf of Council write to the Premier and the Minister for Roads and Ports, endorsing and supporting Woollahra Municipal Council’s proposal to request an amendment to Regulation 200 of the NSW Road Rules 2008 such that it allows Councils to restrict the time frame registered trailers, boat trailers, advertising trailers and caravans are allowed to park in built up areas and limits the width of boats on trailers.
Voting was as follows:

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Unanimous

ADOPTED
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GENIA McCAFFERY
MAYOR
The Hon. Barry O’Farrell MP
Premier
Minister for Western Sydney
Governor Macquarie Tower
Level 40, 1 Farrer Place
SYDNEY NSW 2000

14 February 2012

Dear Premier

RE: Boat and Trailer Parking on Public Roads

At the North Sydney Council meeting held on 30 January 2012, I presented a Mayoral Minute concerning the growing problem of boats and trailers parking on public roads. I wish to advise that Council resolved the following:

THAT the Mayor on behalf of Council write to the Premier and the Minister for Roads and Ports, endorsing and supporting Woollahra Municipal Council’s proposal to request an amendment to Regulation 200 of the NSW Road Rules 2008 such that it allows Councils to restrict the time frame registered trailers, boat trailers, advertising trailers and caravans are allowed to park in built up areas and limits the width of boats on trailers.

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I write to seek your commitment to enable the process to amend Regulation 200 of the NSW Road Rules 2008 such that it allows Council’s to restrict the time frame registered trailers, boat trailers, advertising trailers and caravans are allowed to park in built up areas and limits the width of boats and trailers.
Should you wish to discuss the matter further, please contact Council’s Manager Traffic Planning, Mr Aurelio Lindaya, on 9936 8242.

Yours sincerely

Genia McCaffery
MAYOR
Dear Minister

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Yours sincerely

Genia McCaffery
MAYOR
Office of the Hon. Duncan Gay MLC
Deputy Leader of Government in the Legislative Council
Minister for Roads and Ports

Councillor Genia McCaffery
Mayor
North Sydney Council
PO Box 12
NORTH SYDNEY NSW 2059

Dear Councillor McCaffery

The Minister for Roads and Ports, the Hon Duncan Gay MLC, has requested that I acknowledge receipt of your letter regarding parking for boats and trailers.

The matters raised by you have been noted and are presently receiving attention.

A further reply will be forwarded to you as soon as possible.

Yours sincerely

Michael Said
Senior Ministerial Liaison Officer
Councillor Genia McCaffery
Mayor
North Sydney Council
PO Box 12
NORTH SYDNEY NSW 2059

Dear Councillor McCaffery

Thank you for your recent letter to the Premier concerning boat and trailer parking on public roads.

As the matter you have raised concerns the administration of the Minister for Roads and Ports, the Hon Duncan Gay MLC, your letter has been forwarded to the Minister for attention.

You may be sure that your letter will receive close consideration.

Yours sincerely

[Signature]

David Swain
for Director General
Dear Jilly

I write regarding concerns raised by Council and the community relating to boat trailers on streets for long periods of time.

You may be aware that a Boat Trailer Working Group, chaired by Transport for NSW, was established in late 2012 to consider a range of options to address this issue.


Options identified in the Report of the Working Group include giving local council rangers the power to impound boat trailers left parked in the street for long periods of time and allowing councils to take action against unregistered trailers directly.

Before progressing any regulatory changes, the Government is seeking the views of other councils and communities so that a broader range of opinion and ideas can be canvased. The purpose of this exercise is not to penalise boat owners or prevent them from parking their boat trailers on their streets, and feedback from councils is that not all trailers are the subject of complaints, it is mainly those that are left unattended on the street for (sometimes) months on end.

The Boat Trailer Working Group Report is out for public comment until 28 June and it is available at www.transport.nsw.gov.au. Submissions and comments can be sent to the Office of Boating Safety and Maritime Affairs at obsma@transport.nsw.gov.au.

Enclosed please find key messages to provide information on this subject should you require them.

Yours sincerely

Jillian Skinner MP

end 1 2 JUN 2013
Key Messages – Boat Trailer Working Group Report
May 2013

- The number of boat trailers parked on residential streets is a by-product of a high demand for boat storage and limited sites at present to accommodate the demand.

- This trend is only increasing with another 5-thousand boats expected to be using Sydney Harbour within the next 8 years.

- As a government, we are well aware of community concerns about boat trailers being left on streets for long periods of time.

- Transport for NSW is looking at a number of options to address not only the issue of boat trailers being parked on residential streets, but also the limited access to boat storage on the Harbour.

**Boat Trailer Working Group**

- The Boat Trailer Working Group, chaired by Transport for NSW, was established in late 2012 to consider a range of options to address the boat trailer parking issue.

- These options included giving council rangers the power to impound boat trailers left parked on the street for long periods of time and allowing councils to directly take action against unregistered trailers.

- Before progressing any regulatory changes further, consultation with other councils and communities is appropriate so that a broader range of opinions and ideas can be canvased.

- The feedback from Councils is that not all trailers are the subject of complaints, it's mainly those that are left unattended on the street for sometimes months on end.

- The objective is to strike a balance between the right to legally park registered boat trailers on residential streets for reasonable periods of time and improving parking access on congested roads with limited parking.


**Draft Sydney Harbour Boat Storage Strategy**

- Since these boats need to be stored somewhere, the other key part of the solution is to identify options to increase boat storage capacity across Sydney Harbour.

- The Draft Sydney Harbour Boat Storage Strategy which is currently out for public consultation provide an opportunity for councils, residents and the boating industry to identify the best ways to accommodate the growth in boat storage requirements on Sydney Harbour.

THAT the Local Government Association makes representation to the State Government to amend Australian Road Rule 200 such that a registered boat or trailer may only park in a built-up area for one hour regardless of its weight or length.

DETAILED SUPPORTING CASE:

Currently it is only an offence to park a boat or trailer for greater than an hour in a built-up area if the object is a heavy vehicle (GVM of 4.5 tonnes or more) or long vehicle (a vehicle that, together with any load or projects, is 7.5 metres long, or longer).

The demand for parking in inner urban dense residential areas such as North Sydney is extremely high. Boats and trailers in these areas take up the very scarce parking resource, often for weeks or months on end, without moving. Residents find this frustrating, as they are already competing with commuters and visitors to the area for the limited supply of parking spaces.

The installation of parking restrictions tends to move the boats or trailers just “around the corner”, therefore just moving the problem to another street.
THAT the LGA call on the State and Federal Government to change the Australian Road Rules such that trailers must not stop on a length of road in a built-up area for longer than 1 hour.

DETAILED SUPPORTING CASE:

Parking in North Sydney is a big issue. Unfortunately in some areas of North Sydney, demand for on-street parking is greater than the supply of on-street parking. In the North Sydney area, there are 22,000 on-street parking spaces. Competing for these parking spaces are some of the 62,000 residents and 51,000 people who work in the area, as well as other visitors to the area.

North Sydney Council has implemented resident parking schemes in many parts of the LGA. Under Council’s Resident Parking Permit Policy, boats and trailers are not entitled to a parking permit. However, there is generally still some unrestricted parking available. Some residents of North Sydney are therefore concerned that this limited and valuable unrestricted parking is taken up by boats and trailers and cannot be used by their guests for example. Parked boats can also be perceived as unsightly. Many of these boats are owned by people who do not live in North Sydney, and who just wish to keep their boat close to Sydney Harbour.

Council has installed restricted parking in some streets to force trailers and boats to move, particularly if there are safety concerns. However, they generally move to a nearby location “around the corner”. Council has considered the widespread installation of 12 Hour Parking which would allow longer term parking for guests and it would also get rid of boats parked for extended periods of time. However, there are significant costs associated with this, and it still has the impact of moving boats to another nearby location or suburb.

The Australian Road Rules have been enacted into law by the State Government and are generally uniform across Australia. Australian Road Rule 200 states that it is legal for a registered trailer to be parked in a built-up area, in accordance with any parking restrictions. The object being carried by the trailer, for example a boat is not of concern to this Rule. As long as the trailer is registered and parked in a zone that permits parking, Council cannot lawfully take any action to move the trailer or to demand the trailer be moved.
However, there are rules for larger vehicles. The driver of a heavy vehicle (GVM of 4.5 tonnes or more) or long vehicle (a vehicle that, together with any load or projects, is 7.5 metres long, or longer) must not stop on a length of road in a built-up area for longer than 1 hour.