

# Transport for NSW

Boat Trailer Working Group -  
Discussion report and options paper

March 2013



Transport  
for NSW

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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<sup>1</sup> 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.

#### *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.*

### 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<sup>2</sup>, 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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<sup>1</sup> 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).

<sup>2</sup> 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.

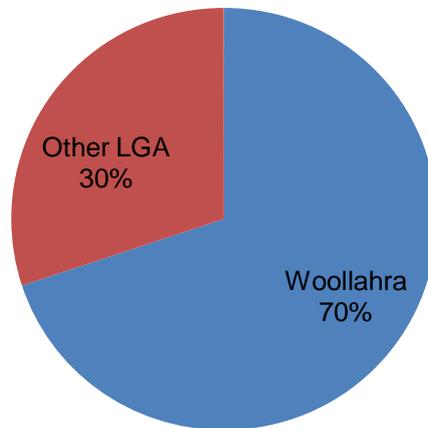
## **Boat Trailer Survey**

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**

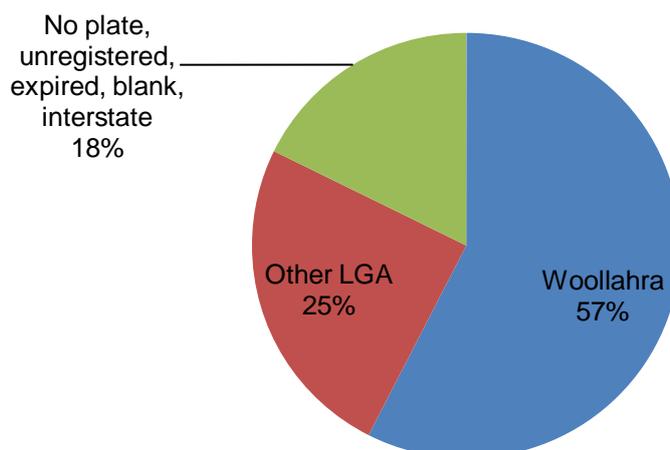
Officers from Woollahra Council conducted their survey on 8 November 2012 and identified a total of 186 individual trailers parked within their LGA, 113 of which were boat trailers. RMS was able to match 93 of the boat trailer plate numbers to valid, current registrations. Of the plates where the owner 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.

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



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.

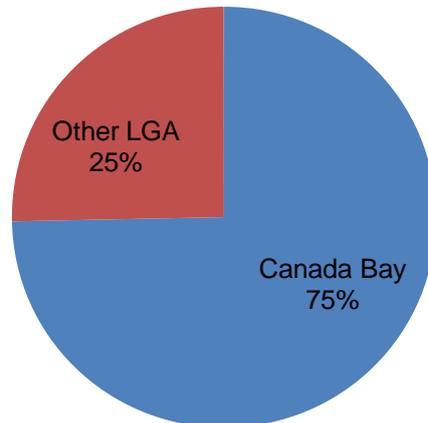
**Fig. 2 - Residential postcode of boat trailer owner & non-compliant trailers - Woollahra (n=113)**



## City of Canada Bay Council

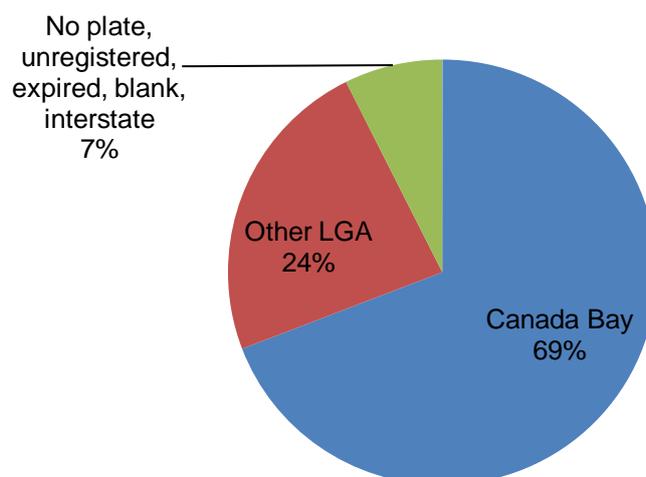
Officers from Canada Bay Council conducted their survey on the 7th and 8th of November 2012 and identified a total of 81 individual boat trailers parked within their LGA. The entire LGA was not surveyed due to time limitations. RMS was able to match 75 of the plate numbers to valid, current registrations. 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<sup>3</sup> or to cause or permit<sup>4</sup> another to

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<sup>3</sup> Section 18 *Road Transport (Vehicle Registration) Act 1997*

<sup>4</sup> Clause 84(3) *Road Transport (Vehicle Registration) Regulation 2007*

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<sup>5</sup>.

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<sup>6</sup>.

Registrable vehicles must also not be used on a road or road related area unless they comply with the applicable vehicle standards<sup>7</sup>. 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 oversized. 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”.<sup>8</sup>

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.

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<sup>5</sup> Section 4 *Road Transport (Vehicle Registration) Act 1997*

<sup>6</sup> Section 27 *Road Transport (Vehicle Registration) Act 1997*.

<sup>7</sup> Clause 52 *Road Transport (Vehicle Registration) Regulation 2007*. The applicable vehicle standards are set in Schedule 2 to the Regulation.

<sup>8</sup> 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<sup>9</sup> 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.

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<sup>9</sup> 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 unattended 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.