

MARINA RULES

1. Background

The Derwent Sailing Squadron (DSS) maintains a Marina for the benefit of its members. These rules implement the DSS Marina Policy (Governance Document 7.21) and apply to members and, through the members, all visitors and guests to the Marina. For the purpose of these Rules the Marina is defined as the infrastructure beyond the locked gates and includes the waters within 20 M of the Marina pens.

2. Requirement for a Marina License

- i. Only vessels subject to a current Marina License, or with a casual occupancy permit, are permitted to occupy a Marina berth.
- ii. In the event of non-compliance with the conditions of the Marina License or these rules, the member will be requested to immediately remedy the non-compliance; and
- iii. Where in the opinion of the Board, a member remains non-compliant with these Rules or Marina License conditions the DSS may enforce the termination provisions contained in the license.

3. Navigation in the Marina

- i. The International Regulations for Preventing Collisions at Sea 1972 (COLREGs) shall be observed at all times;
- ii. When a vessel enters the Marina it shall immediately come under the jurisdiction of the DSS and shall be berthed and manoeuvred as directed. Any berth allocated to the Licensee may be changed at the direction of the DSS. Berths allocated to tenants with multi year leases shall not be re-assigned without prior consultation with the lessee;
- iii. A vessel being operated within the Marina shall only be operated by a person with an appropriate boat license. It follows that the holder of a Marina License must hold a current appropriate boat licence, except in circumstances where the licence holder is a trustee as a result of the death, bankruptcy or incapacity of the former licence holder;
- iv. Except in an emergency, towing a vessel within the Marina requires approval from the DSS. All towing shall be carried out in a seaman like manner; and
- v. A speed limit of 5 knots is to be observed within, departing from or when approaching the entrance to the Marina.

4. Secure Berthing

- i. It shall be the responsibility of the member to provide mooring lines, inter berth lines, warps and other mooring equipment and to moor the craft in a proper and seamanlike fashion, all to the standard required by the DSS in its unfettered discretion (Mooring Standards for the DSS Marina). Shackle pins used for mooring must be safety wired;
- ii. The DSS reserves the rights to renew, replace or make good any mooring lines or warps at the member's expense. No loose ropes or chains are to be allowed to float or obstruct in any way the adjacent berths and

any nuisance noise created by standing or running rigging and covers may be dealt with by the DSS, its servants or agents in such manner as they see fit; and

- iii. The DSS reserves the right to enter upon any vessel within the Marina for reasons stated above or for other safety and usability reasons.

5. Insurance

- i. No vessel shall be allowed in the Marina unless it is insured and the owner thereof has a Public Liability cover of not less than \$10,000,000, unless approved otherwise by a DSS Officer. The member shall each year, or on request supply the DSS office with the details of their Public Liability policy.

6. Vessel Condition

- i. Members shall ensure that vessels occupying their Marina pen are kept in a seaworthy condition and shall keep the vessel and Marina area clean and tidy at all times. – If a vessel is considered by the DSS Board to be in an unsightly (or unseaworthy) condition then it may direct management to serve notice to affect a remedy, giving 14 days to comply or the member will be asked to remove the boat;
- ii. The undersides and topsides of the vessel shall be thoroughly cleaned at least once every 12 months. Scrubbing of ablative antifouling in situ is not allowed but competitive pricing for short-term slipping is available to members for this purpose;
- iii. Marina pens are to be occupied only by vessels registered with the DSS;
- iv. All vessels must be registered, identified, marked, equipped and maintained as required by law and safe practice with particular attention to adequate on-board firefighting equipment;
- v. Vessels used to live aboard must be fitted with appropriate holding tanks;
- vi. Unattended tenders and dinghies shall not be left tethered to vessels or the Marina without the prior written approval of the DSS;

7. Vessel Repairs

- i. Repairs and painting that may be a nuisance or risk to other lessees and guests or which may pose a risk of damage to other tenant's boats or pose a safety or fire hazard is prohibited in the Marina. This includes welding, metal grinding, spray painting, water blasting and grit blasting;
- ii. Minor repairs, painting, mechanical adjustments and electrical work will be permitted, provided that no nuisance, safety risk or interference with others using the Marina or to the general neighbourhood is caused by such work;
- iii. Small water pressure cleaners are allowed to be used, provide the use complies with clause 7.17.

8. Access and Behaviour

- i. Access to the Marina is restricted to member's who are license holders, members family and crew, guests accompanied by license holder member or DSS staff;
- ii. Members will be responsible and liable for the actions and behaviour of guests and for all people who are granted access rights at their request and will indemnify and hold harmless the DSS;

- iii. The DSS reserves the right to revoke Marina access for guests and access grantees without notice to the member;
- iv. Activities that may interfere with the quiet enjoyment of the Marina by other tenants are not allowed;
- v. Swimming, diving or fishing within the Marina area is prohibited with the following exception: Owners or properly certified divers may engage in diving for the purpose of performing maintenance on boats. Such maintenance diving shall be conducted in accordance with generally recognised safety precautions. Any such activity must comply with all applicable local, state or Commonwealth regulations and scrubbing of ablative antifouling is not allowed;
- vi. Nothing is to be placed on the Marina so as to obstruct other Marina users;
- vii. Bicycles, skateboards, roller skates and the like shall not be ridden on the Marina;
- viii. Bicycles shall not be left on Marina walkways but must be secured on boats or in bicycle storage racks provided;
- ix. No additions may be affixed to any berth without the DSS's prior written approval. This includes (but is not limited to) permanent fenders, mooring line holders and ladders. Carpet padding, bump or dock wheels are not permitted. Approval for new additional fixtures will be subject to:
 - The equipment being of an approved design, colour and standard – as determined by the DSS;
 - The equipment being installed by DSS staff or their delegate; and
 - The equipment being removed by DSS staff.
- x. Any such equipment can and should be retained by the owner at the conclusion of their license. The owner must, at the time of expiry or termination of the license or within 7 days of that date request in writing that the DSS remove the fixtures for the owner. Otherwise, the fixtures will become the property of the DSS;
- xi. No part of a vessel or any of its equipment is to overhang the Marina walkways;
- xii. All persons under the age of 12 years shall be effectively supervised by an authorised responsible adult at all times while within the Marina;
- xiii. Any dog on the Marina premises must be leashed and must not be allowed to foul the Marina area. Members are responsible for removal and disposal of any waste from any animal in their charge;
- xiv. No laundry of any type nor any item of a personal nature shall be hung out to dry or air in public view aboard any craft, line or warp. Wet weather gear may be dried on the outside of boats for a short period after arrival in the Marina;
- xv. Toilet and human or animal waste products, fuel, oil, chemicals, spirits, flammables and oily bilges shall not be discharged into the Marina waters. No material that is prohibited by local, state or Commonwealth regulation may be discharged within the Marina or adjacent waters;
- xvi. Noise shall be kept to a minimum at all times in order to minimize annoyance to others;
- xvii. Halyards on penned yachts shall be secured in such a way as to avoid noise;

- xviii. Vessels in the Marina fitted with a “audible alarm” shall have a visible flashing light and a time delay facility to limit the duration of the audible alarm once triggered to no more than 5 minutes;
- xix. The determination of “nuisance, safety risk or interference with others” shall be at the sole discretion of the DSS, such discretion being exercised reasonably.

9. Ancillary Services

- i. The DSS will provide facilities for supply of electricity and water, ablution and laundry services, parking, refuse disposal and fire fighting for the benefit of Marina license holders:
- ii. The supply of electricity is subject to the Marina Electrical Connection Policy. The Marina Electrical Connection Policy will determine the conditions that apply to the use of power supply on the Marina. The DSS may charge for power use and, where power is supplied via a metered supply, such charge will be based on power used;
- iii. Locked gates, key card access, lighting and limited CCTV coverage is provided to aid security on the Marina. Marina License holders will have 24-hour access via key cards. Key card access will be limited to Marina license holders and such other persons as management shall determine consistent with limiting access to those who need it. Key cards will be issued upon such terms and conditions that the DSS may determine from time to time;
- iv. Ablution and Laundry services are available to key card holders. The DSS will charge for laundry services to cover the cost of providing the service;
- v. Parking of motor vehicles and bicycles is provided in clearly designated parking areas. Parking in unmarked areas is not permitted. License holders shall be limited to one carpark within the DSS carpark area. Unloading is permitted in the area between the loading ramp and the Marina gate but vehicles must not be left unattended;
- vi. General garbage and recyclables are to be placed in the receptacles provided near the Marina entrance. No refuse is to be left on the Marina. Other refuse including sump oil, oil and fuel filters, batteries and other hazardous material are to be placed in designated receptacles or removed from the DSS’s premises;
- vii. Fire hoses, other firefighting and safety equipment are only to be used in an emergency;
- viii. Barrows used for cartage are to be cleaned and returned the pick-up area immediately after every use.; and
- ix. If a Marina license holder wishes to live aboard their vessel an application form must be completed and, if approved, a “Live Aboard Fee” must be paid.

10. Commercial Activities

- i. Short-term rental of boats is not permitted;
- ii. Under no circumstance can a member or berth occupier run a commercial business from that berth or any other berth with-out first obtaining the express permission of the DSS at the DSS’s absolute discretion; and
- iii. No signs or advertising of a commercial nature, other than discrete professionally made “for sale” signs for the boat, will be placed on boats or within the Marina without the prior written permission of the DSS. Sponsor names and logos applied to boats are permitted.

Endorsed by

The Governance Committee

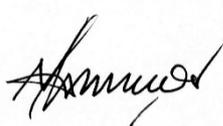
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