

**The following questions were posed at the BSC Information Night meeting at the club on Wednesday 27 February. Appended to them is a brief summary of the answers from the speakers, NSW Maritime's Boating Services Officers Dave Smith and Summer Tonsen.**

**Summer is the BSC local BSO and can be contacted on 0418 618 436. Dave may be contacted on 9563 8546 (work) or mobile 0419 241 245.**

**The following summary has been checked, supplemented and amended by Dave, to whom we extend our thanks.**

### **Mooring and anchoring**

Q. What are the rules in relation to picking up vacant private moorings. Can other boats legally use them so long as they can get off on short notice?

- A. *It is not legal to use private moorings of other boats. Examples of moorings being dragged or broken by such action were cited in explanation of this.*

Q. Is it permissible to "swap" moorings, for example between boats based in Sydney Harbour and Pittwater?

- A. *Not allowed. Moorings may be incompatible with boats other than the one for which they were laid.*

Q. What are the requirements regarding anchoring [and staying overnight or for a few days] in Blackwattle, Rozelle and Balls Head Point bays? Are local (Port Jackson) boats permitted to stay there unattended for brief periods – and if so, for how long?

- A. *Overseas visiting vessels are permitted extended stays of up to three months duration and local boats may stay for reasonable periods, depending on the situation. Weekends (and long weekends) are fine and longer stays (eg, 'a week with the grandchildren during a holiday period') would generally be acceptable.*
- *In Blackwattle and Rozelle Bays there are two areas indicated by yellow buoys that are anchoring areas, but users must ensure no part of their boat can extend beyond the line of those buoys, even if conditions change, as they may become an obstruction to rowers and to the coastal ship 'Claudia'. A further anchoring area is recognised but not marked, adjacent to the eastern end of the Anzac Bridge. Users of that area must be aware of the presence of old cables on the sea floor and be prepared to mark and drop an anchor that becomes entangled, diving later to retrieve it.*

Q. Is it permitted to allow one or two boats to raft up alongside your boat on your own mooring if your boat is there and all skippers remain on board? (It's OK when anchored, so the responsibility would seem to be the same.)

- A. *No. Again, because the mooring may not be suitable and may drag, creating problems to boats on adjacent moorings.*

Q. If rafted up at anchor, must all the boats show anchor lights at night?

- A. *Yes.*

Q. How many days is it permitted to stay onboard a boat at its mooring: both total per year and total consecutively.

- A. *This question was answered in part by the circulation of an extract from a formal document, the extract itself having five (5) sections and a total of seven (7) sub-sections! In essence it appears that boats may be 'inhabited as a dwelling' for a total of no more than 31 days in any six consecutive months but that there be no period of more than 21 consecutive days without a break and that there are to be intervals of at least three days between periods of living on board. [Linking this answer with a previous answer, above, appears to make it clear that moving the boat within the harbour does not change these limits, though this question was not raised.]*

Q. Can boats be left unattended on NSW Maritime Courtesy Moorings, so long as it's no longer than the indicated time limit (usually 24 hours)?

- A. *Yes – it is a mooring and subject to the rules and freedoms applicable to moorings. However it is suggested good practice to leave a contact phone number clearly visible on the vessel.*

Q. Are there any plans to establish additional courtesy moorings in the waterways around Sydney, as well as further afield?

- A. *Most area Boating Service Officers recognise the desire by the public to double the number of courtesy moorings available, although there is an increased expense of servicing those additional moorings. The reduction of available anchorage area as a result of courtesy moorings in Sydney Harbour outweighs the simple reasoning of one courtesy mooring for one vessel. [Remember you can raft up when at anchor but cannot when using a courtesy mooring.]*

Q. What are NSW Maritime's views on boat bags? Are they encouraged/discouraged, or are there any restrictions on their use?

- A. *No problems, but contact the local BSO first as mooring locations may need to be considered as boats in bags move differently to boats without bags in response to wind and tides.*

### **Holding tanks, etc**

We would like clarification of the current rules regarding the use of holding tanks, direct pump-out toilets and Lectra-San type treatment systems in protected/enclosed waterways (eg Sydney Harbour).

Q. **Holding tanks:** Is some form of holding tank now compulsory on boats using NSW protected/enclosed waterways?

- A. *Not compulsory for private vessels at the moment, but EPA regulations preclude discharges into sea water.*

Q. Is a Porta-Potti accepted as a holding tank?

- *Yes, they are. Permanent tanks should be installed by experienced plumbers as there is a risk of noxious and poisonous gas build-up in your vessel.*

**Q.** For off-shore pump-outs (ie, more than 2 miles offshore) are there any additional treatment requirements?

- A. *No*

**Q.** **Direct pump outs:** We understand that in Queensland, the authorities will “lock” these off when boats are in protected waters, national parks, the Whitsundays, etc. Is there any consideration to doing so in NSW? If so, what are the plans and the timing?

- A. *No lock-off policy or plans, but discharging anything into the sea water is illegal, particularly protected areas such as marine parks, designated swimming areas or near swimming beaches.*

**Q.** If a boat user was “caught” pumping-out/bucketing “number ones” (ie, not solid waste/“number twos”) into the harbour, would he or she be in breach? What is the situation where a user urinates over the side, or while swimming?

- A. *Yes, he or she is in breach of the legislation but action is unlikely as there would be great difficulty establishing evidence of guilt.*

**Q.** **Lectra-San type treatment systems:** What are the current requirements in respect of these systems? Can they be discharged within protected waters, or certain distances from swimming areas?

- A. *Lectra-San is no longer recognised by NSW Maritime as a treatment system for sewage and therefore not approved for discharge into any NSW state waters.*

### **Wash, powered vessels, etc**

**Q.** When passing close to moored boats, are there any minimum distances within which power boats are not permitted to make “excessive wash”?

- A. *All vessels are limited to no more than 10 knots when within 30m of any other vessel. Unfortunately 10 knots puts up quite a wash and could be “excessive”. The masters of vessels are responsible for their vessel’s wash at all times and BSO’s invite you to report their actions to us. (Note their rego number and give us a ring.) We will in turn give them a call and discuss the situation with them. Most just don’t realise how large their wash is.*

**Q.** What is the definition of “excessive wash”?

- A. *Wash is the turbulence of water created by a vessel as it moves through the water. Its size and effect is influenced by the amount of water a boat displaces, its speed and its planning, attitude which means if the vessel hull can lift on top of the water there will be less wash than a vessel that cannot lift out of the water. Excessive Wash is wash that may endanger other vessels or causes nuisance to other people – eg: a spilled cup of coffee!*

**Q.** It’s not unknown for power boats to travel close to sailing boats at high speed, causing them to rock fairly violently – especially in light winds. Are there any obligations on power boat owners not to do so?

- A. *It is against the law to travel at 10 knots or more within 30 metres of another vessel. Proving this is difficult but if you can read the registration numbers they are probably too close. Note their numbers and report the incident to a BSO.*

Q. What actions should sailing (or small powered boats) take if power boats make excessive wash and cause potentially dangerous situations?

- A. *Report details to NSW Maritime. Need irrefutable evidence and identification such as photographs, registration numbers, good descriptions. Must be prepared to be a witness in court action.*

Q. Aside from “red diamond” ferries and large ships, do sailing boats have rights over other commercial vessels on Sydney Harbour? This would include River Cats and “party boats”, where close calls can be quite frequent.

- A. *Only ferries that carry the orange diamond have precedence but major shipping that is constrained in their ability to manoeuvre by draft or for other reasons should be given way to. Sailing vessels overtaking powered boats must also give way. Ultimate responsibility is to avoid collisions! Otherwise the sail vessels can expect right of way over power driven vessels in accordance with Navigation (collision) regulations.*

### Navigation, etc

Q. The Waterways handbook doesn't mention mast-top tri-lights as an alternative to the deck level navigation lights, though they are recognised as an alternative in the international guidelines. Is this official policy or just an omission and, if the latter, is there any support for the suggestion that mast-head lights are better in the harbour as they don't get lost against the background of shore lights? In fact would there be any opposition to a yacht showing both sets of lights, even though the international rules indicate one OR the other?

- A. *The latest (2008) handbook rectifies this omission by showing acceptable lights to include the optional alternative of tri-lights, although the BSO opinion is that deck level side and stern lights are less likely to be 'lost' against the harbour background. The two sets of lights are not to be used simultaneously but the revised handbook does recognise and accept the optional use of an all-round red-over-green light at the top of the mast in conjunction with conventional deck-level navigation lights.*

### Safety

Q. What are the correct procedures for disposing of expired safety flares?

- A. *It was indicated that suppliers are required to accept the return of out-of-date flares. However various communications since the meeting suggest that many will not do so. A NSW Maritime spokesman, in response to enquiries from someone at our meeting, has undertaken to investigate and to provide a definitive answer on the NSW Maritime website and to advise us when that happens. Stay tuned!*

### Other

Q. There's an item in the latest *Cruising Helmsman* about VMRs being legally unable to board a potentially sinking boat and break-in in order to rescue it. Another point is the issue that if an unattended boat is dragging/drifted, VMRs cannot tow it due to salvage laws. Do NSW Maritime officers have any restrictions on their actions in the event an unattended boat is sinking/drifted (there was a recent incident in the Lane Cove River where Maritime officers saved a sinking boat – highlighted in *Afloat* magazine). Are you able to comment on the rights and responsibilities of any parties if they see a boat drifting/sinking and are in a position to rescue it?

- A. *NSW Maritime are empowered to board vessels that are potentially a hazard and to take appropriate steps to gain access to enable pumps to be installed. In view of the risk of pollution (eg oil spills) further action including the beaching of a vessel may be carried out.*

*Exerience shows that access can usually be made without (technically) breaking in! Usually vessels are entered by NSW Maritime without the owner's knowledge because contact phone numbers are not correct. At all times the owner is contacted and informed afterwards by mail.*