

# APPLICATION TO INSTALL, OWN AND/OR USE A MOORING



Department of Biodiversity,  
Conservation and Attractions



## INFORMATION FOR APPLICANTS

If you wish to install, own and/ or use a mooring in waters managed by the Department of Biodiversity, Conservation and Attractions (DBCA) please complete the appropriate section/s of this application form.

DBCA's Parks and Wildlife Service manages marine parks and reserves according to the *Conservation and Land Management Act 1984*. The management of mooring and anchoring in marine parks and reserves is undertaken according to the Conservation and Land Management Regulations 2002.

Management of moorings and anchoring is important for protecting sensitive marine environments and ensuring public safety. Moorings that are appropriately sited minimise the need for anchoring and so reduce potential anchor damage to the seabed, as well as ensure adequate distances between moorings to protect vessels and public safety.

### PROTECTING THE NATURAL MARINE ENVIRONMENT

You will need to show that your proposed mooring will not cause direct or indirect damage to sensitive marine habitats either during installation or when it is in use. Mooring apparatus will need to be installed by an approved contractor and maintained regularly. Moorings may pose a biosecurity risk to Western Australia's aquatic environment as they can be a stepping stone for invasive and damaging marine pests to reach places that they do not naturally occur. Regularly check your mooring and report any unusual species found by contacting FISHWATCH on 1800 815 507. Visit <http://www.fish.wa.gov.au/biosecurity> for further information.

If you have any questions about this application, please contact the relevant DBCA office.

Walpole and Nornalup Inlets Marine Park – Walpole office 08 9840 0400

Ngari Capes Marine Park – Busselton office - 08 9752 5555

Shoalwater Islands and Marmion marine parks – Swan Region office – 08 9206 4795

Jurien Bay Marine Park – Jurien office – 08 9688 6000

Shark Bay Marine Park – Denham office – 08 9948 2226

Ningaloo Marine Park – Exmouth office – 08 9947 8000

Barrow Island and Montebello Islands marine parks – Karratha office – 08 9182 2000

Rowley Shoals, Eighty Mile Beach, Lalang-garram/ Camden Sound marine parks – Broome office – 08 9195 5500

North Kimberley Marine Park – Kununurra office – 08 9168 4200

### PLEASE NOTE:

- **PRIOR TO SUBMITTING YOUR MOORING APPLICATION, PLEASE CONTACT THE DBCA OFFICE RESPONSIBLE FOR THE MANAGEMENT OF THE RELEVANT MARINE PARK OR RESERVE DBCA OFFICE CONTACT DETAILS CAN BE FOUND AT <https://www.dpaw.wa.gov.au/about-us/contact-us/locations>.**
- **A COPY OF A MOORING DESIGN AND SPECIFICATIONS FROM AN APPROVED MOORING CONTRACTOR ARE REQUIRED FOR THIS APPLICATION. A LIST OF APPROVED MOORING CONTRACTORS IS AVAILABLE FROM YOUR NEAREST DBCA OFFICE OR FROM THE DEPARTMENT'S WEBSITE: [www.dbca.wa.gov.au](http://www.dbca.wa.gov.au).**
- **APPLICATIONS ARE TO BE FORWARDED TO THE RELEVANT DBCA OFFICE.**
- **TO AVOID DELAYS IN PROCESSING, PLEASE ENSURE THAT ALL DETAILS ARE CORRECT, LEGIBLE AND CLEAR.**
- **ONCE AN ASSESSMENT OF YOUR APPLICATION IS COMPLETED YOU WILL BE NOTIFIED IN WRITING OF THE OUTCOME OF YOUR APPLICATION.**
- **UPON APPROVAL OF YOUR APPLICATION, YOU WILL NEED TO PROVIDE ALL NECESSARY INFORMATION FOR INSTALLATION OF THE MOORING TO THE APPROVED MOORING CONTRACTOR.**
- **APPROVED MOORINGS ARE TO BE INSTALLED WITHIN 90 DAYS OF APPROVAL.**

### FOR LICENSED COMMERCIAL OPERATORS

Please note that only Part 1 of this form applies to you. The permission and terms and conditions for commercial operators to install and/or use a mooring for a commercial operation will be incorporated into the applicant's commercial operations licence and may vary from those listed in this application.

## PART 1 – TO INSTALL, OWN AND/OR USE A MOORING

### APPLICATION PROCESS

**To install a mooring in a marine park or reserve, the applicant must provide the following information.**

- Completed and signed application form.
- A copy of mooring design and specifications from an approved mooring contractor, which includes evidence that the proposed mooring:
  - will not cause any direct or indirect damage to sensitive habitats (for example: corals, seagrass, etc.) during installation (note: mooring sites in sand will be preferred);
  - once installed will cause no damage and is non-polluting;
  - top end gear will not contact the surrounding benthic area at any time; and
  - has a pendant with a mid-water float or other environmental package (if required).
- A copy of a map showing the proposed mooring site, marine habitats (particularly sand, mud, reef, coral, seagrass) and the nearest boat launching facility and town/s.
- A copy of nominated vessel/s registration papers (if applicable) showing vessel/s length.
- A copy of current liability insurance certificate for nominated vessel/s.
- A copy of Memorandum of Association or Certificate of Incorporation or other document of proof if applicant is an incorporated body such as a club or company.

**To own and use an existing mooring in a marine park or reserve, the applicant must provide the following information.**

- Completed and signed application form.
- A current mooring inspection report.
- A copy of nominated vessel/s registration papers (if applicable) showing vessel/s length.
- A copy of current liability insurance certificate for nominated vessel/s.
- A copy of Memorandum of Association or Certificate of Incorporation or other document of proof if applicant is an incorporated body such as a club or company.

### APPLICANT DETAILS

<b>Surname:</b>	<b>Other Names:</b>
<b>Street Address:</b>	
<b>Suburb:</b>	
<b>Postcode:</b>	
<b>Daytime contact number: (H)</b>	<b>(W)</b>
<b>Mobile number</b>	<b>Email:</b>
<b>In emergency contact name:</b>	<b>Phone:</b>
<b>Date of birth:</b>	<b>Drivers licence number:</b>

Note: the applicant may be an individual person, company, association or body of persons (corporate or unincorporated). When authority is granted to a company, association or body of persons (corporate or unincorporated) it means that employees or members of the applicant, if acting for the applicant, also have the same authority as the applicant. If the applicant is an incorporated body, the name and contact details of a natural person who may be contacted on behalf of the applicant must be provided and a copy of the Memorandum of Association, Certification of Incorporation or other form of proof must be attached.

List the location of the mooring to be installed, owned and/or used in the table below. Please note the allocated location may differ from the applicant's preferred location upon assessment of the mooring site. If applying for more than one mooring, please submit a separate application form for each mooring.

MOORING AND VESSEL DETAILS			
Name of marine park or reserve	Name of mooring site/location	GPS position (to three decimal places; Datum GDA94 or WGS84)	New or existing mooring
			<input type="checkbox"/> New <input type="checkbox"/> Existing
Duration that the mooring is required (ie. permanent or short term. If short term, please specify time period):			
Is this a new application or a renewal?	<input type="checkbox"/> New application <input type="checkbox"/> Renewal		
Details of primary vessel to be nominated to use the mooring			
Vessel name:			
Vessel Registration #: (if applicable)		SPV #: (if applicable)	LFB #: (if applicable)
If vessel is not registrable, please provide information below and attach proof of ownership (statutory declaration):			
Vessel type (eg. yacht, cabin cruiser, etc.):		Vessel draft:	Vessel displacement: (if known)
Length of vessel:	metres	Overall length of vessel: (including length plus bow sprit, marlin board, etc.)	metres
The mooring intended usage (check as many as apply):	<input type="checkbox"/> Storage <input type="checkbox"/> Casual use <input type="checkbox"/> Private <input type="checkbox"/> Commercial		

**Details of secondary vessel to be nominated to use the mooring**

<b>Secondary vessel name:</b>					
<b>Vessel Registration #:</b> (if applicable)		<b>SPV #:</b> (if applicable)		<b>LFB #:</b> (if applicable)	
If vessel is not registrable, please provide information below and attach proof of ownership (statutory declaration):					
<b>Vessel type</b> (eg. yacht, cabin cruiser, etc.):		<b>Vessel draft:</b>		<b>Vessel displacement:</b> (if known)	
<b>Length of vessel:</b>	metres		<b>Overall length of vessel:</b> (including length plus bow sprit, marlin board, etc.)	metres	
<b>The mooring intended usage (check as many as apply):</b>	<input type="checkbox"/> Storage <input type="checkbox"/> Casual use <input type="checkbox"/> Private <input type="checkbox"/> Commercial				

- ❖ For approval of a new mooring, a suitable vessel is required to be **nominated and owned by the applicant**.
- ❖ A copy of the current **REGISTRATION PAPERS** (if applicable) showing the vessel length must be attached.
- ❖ A mooring inspection report/s certifying that the mooring is suitable for the use of the vessel specified in **Section B** of this application is:

<input type="checkbox"/> on file with DBCA and is current to:	Date:		<b>The mooring inspection report needs to show:</b> <ul style="list-style-type: none"> <li>• Buoy Swing Radius (BSR): maximum horizontal distance that the buoy can move from the mooring's central point, based on lowest low water;</li> <li>• Pick-Up Rope Length (PRL): length of pick-up ropes attached to the mooring;</li> <li>• Maximum Swing Room (MSR): distance from the centre point of the mooring to the nearest mooring;</li> <li>• Max Vessel Length (MVL): maximum registered length of vessel using the mooring;</li> <li>• Maximum approved wind rating; and</li> <li>• Final DGPS coordinates of the mooring's location.</li> </ul>
or <input type="checkbox"/> is attached			

**VESSEL INSURANCE DETAILS**

All vessels nominated in this application must have adequate insurance cover. For vessels of length 6.4 metres and greater, \$10 million Third Party Legal Liability insurance cover is required. For vessels of length less than 6.4 metres, \$5 million Third Party Legal Liability insurance cover is required.

<b>NAME OF PRIMARY VESSEL'S INSURER:</b>			
Third Party Legal Liability cover:	<input type="checkbox"/> \$5 million <input type="checkbox"/> \$10 million or other \$	Policy Expiry Date:	
<b>NAME OF SECONDARY VESSEL'S INSURER:</b>			
Third Party Legal Liability cover:	<input type="checkbox"/> \$5 million <input type="checkbox"/> \$10 million or other \$	Policy Expiry Date:	

- ❖ Please attach a copy of the current **INSURANCE CERTIFICATE/S** showing legal liability, coverage and expiry.

**To:**  
**The Chief Executive Officer of the Department of Biodiversity, Conservation and Attractions**

**I:** \_\_\_\_\_  
**Name of Person/Company Pty Ltd/Incorporated Association (full name, block letters please)**

hereby apply for lawful authority to install, own and/or use a mooring. I understand and agree that if lawful authority is granted, it will be subject to the provisions of the *Conservation and Land Management Act 1984* (CALM Act), Conservation and Land Management Regulations 2002 and the terms and conditions included in and attached to this application. I:

- (a) certify that to the best of my knowledge the information provided within this application is true and correct in every detail; and I understand that I must notify the Department of Biodiversity, Conservation and Attractions of any changes to the details I have provided in this application;
- (b) understand that the lawful authority, if granted, will not be transferable and may not be automatically renewed;
- (c) do hereby agree to release and indemnify and keep released and indemnified the Chief Executive Officer of the Department of Biodiversity, Conservation and Attractions, the State of Western Australia, and each of their employees, contractors and agents ("**the Indemnified Parties**") from and against all:
  - (i) claims, demands, actions, suits, and proceedings (whether under the law of contract, tort, a written law or otherwise);
  - (ii) damages, liabilities, losses, costs (including legal costs) and expenses,

which may be made or brought against, suffered or incurred by any of the Indemnified Parties arising from, or in connection with, my activities on, use of, or presence on land managed under the CALM Act except to the extent that any claims, actions, demands, suits, proceedings, damages, liabilities, losses or costs made or brought against, suffered or incurred by the Indemnified Parties are as a result of the Indemnified Parties' negligence.

I have read, understood and agree to abide by the terms and conditions included in and attached to this application.

**Executed as a deed on**..... **Date**

<b>Person</b>	..... Signature	..... Name
	..... Witness signature	..... Name
<b>Company Pty Ltd</b> (executed in accordance with section 127(1) of the <i>Corporations Act 2001</i> (Cth))	..... Signature of director or secretary	..... Name
	..... Signature of director	..... Name
	..... Witness signature	..... Name
<b>Incorporated Association</b> (executed in accordance with section 14(1)(b) of the <i>Associations Incorporation Act 1987</i> )	..... Signature of person with authority to bind the Incorporated Association	..... Name
	..... Witness signature	..... Name

## PART 2 – OFFICE USE ONLY

This application has been assessed against the following criteria.

### Mooring site assessment criteria

<p>Is the mooring site consistent with the management plan?</p> <p>Is the mooring site located within an approved mooring area identified in the moorings plan for the marine park or reserve?</p> <p><i>NOTE: Private mooring licences are only to be issued following the approval of a moorings plan and gazettal of a private mooring licence area. If there is no approved moorings plan for the area, a lawful authority may be issued.</i></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Lawful authority to be issued; or</p> <p><input type="checkbox"/> Private mooring licence to be issued.</p>
<p>Will the installation of the mooring exceed the capacity of the area?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>Will the vessel remain on the mooring permanently or on a part-time basis?</p>	<p><input type="checkbox"/> Permanent <input type="checkbox"/> Part-time</p>
<p>Will the mooring improve access and safety for the user; minimise impact from anchoring; provide an equitable arrangement; and will it be used and managed efficiently?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Details:</p> <p>_____</p> <p>_____</p>
<p>Is the mooring likely to create a conflict with other users of the marine park or reserve?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Will the installation of the mooring allow the required swing radius?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Has a field assessment of the proposed site been undertaken or is a field assessment required?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Field assessment required <input type="checkbox"/></p>
<p>Has a copy of mooring design and specifications from an approved mooring contractor, been provided that includes evidence the mooring meets the following environmental criteria?</p> <ul style="list-style-type: none"> <li>• The installation of the mooring will cause no direct or indirect damage to sensitive habitats (for example, corals or seagrass);</li> <li>• the mooring, once installed, will cause no damage to the marine environment;</li> <li>• the mooring will be non-polluting;</li> <li>• the top end gear will not contact the seabed (including seagrass, corals etc.) at any time; and</li> <li>• depending on the sensitivity of the seabed, an environmental package may be required at the region or district's discretion. Is an environmental package is required?</li> </ul>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Have copies of the following documents been provided?</p> <p>A current mooring inspection report (if applicable).</p> <p>Nominated vessel/s registration papers showing vessel/s length.</p> <p>Current liability insurance certificate for nominated vessel/s.</p> <p>Memorandum of Association or Certificate of Incorporation or other document of proof if applicant is an incorporated body such as a club or company.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>

## LAWFUL AUTHORITY TO INSTALL, OWN AND/OR USE A MOORING

This authority is a written notice for the purposes of regulation 4(1) of the Conservation and Land Management Regulations 2002 (the Regulations) and it authorises the person named herein as the authority holder to install, own and/or use a mooring in the marine reserve or park and the location specified below, an act that would otherwise be unlawful under regulation 59(1) of the Regulations.

This authority is not valid without the signature of the Chief Executive Officer (CEO) or a delegate of the CEO of the Department of Biodiversity, Conservation and Attractions.

This authority is issued subject to the provisions of the Regulations and all subsidiary legislation and the terms and conditions set out in the attached schedules.

The CEO of the Department of Biodiversity, Conservation and Attractions hereby grants lawful authority to:

**Authority holder:**

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- for the installation of a mooring at the location described below, subject to installation being carried out by an approved contractor within a period of 90 days from the date of its issue; and/or
- to secure the vessel/s nominated below to a mooring/s at the following location/s:

MOORING SITE DESCRIPTION				
<b>Name of marine reserve</b>	<b>Name of mooring site/location</b>	<b>Mooring ID</b> <small>(must be clearly displayed on the mooring buoy at all times)</small>	<b>GPS position</b> <small>(to three decimal places; Datum GDA94/WGS84)</small>	<b>Maximum vessel length mooring is suitable for</b> <small>(as shown on current mooring inspection report)</small>
PRIMARY VESSEL DESCRIPTION				
<b>Vessel name:</b>				
<b>Vessel Registration #: (if applicable)</b>		<b>SPV #: (if applicable)</b>		<b>LFB #: (if applicable)</b>
If vessel is not registrable, please provide information below and attach proof of ownership (statutory declaration):				
<b>Vessel type (eg. yacht, cabin cruiser, etc.):</b>		<b>Vessel draft:</b>		<b>Vessel displacement: (if known)</b>
<b>Length of vessel:</b>	metres	<b>Overall length of vessel: (including length plus bow sprit, marlin board, etc.)</b>		metres
<b>The mooring intended usage (check as many as apply):</b>	<input type="checkbox"/> Storage <input type="checkbox"/> Casual use <input type="checkbox"/> Private <input type="checkbox"/> Commercial			

## SECONDARY VESSEL DESCRIPTION

<b>Vessel name:</b>					
<b>Vessel Registration #: (if applicable)</b>		<b>SPV #: (if applicable)</b>		<b>LFB #: (if applicable)</b>	
If vessel is not registrable, please provide information below and attach proof of ownership (statutory declaration):					
<b>Vessel type (eg. yacht, cabin cruiser, etc.):</b>		<b>Vessel draft:</b>		<b>Vessel displacement: (if known)</b>	
<b>Length of vessel:</b>	metres		<b>Overall length of vessel: (including length plus bow sprit, marlin board, etc.)</b>	metres	
<b>The mooring intended usage (check as many as apply):</b>	<input type="checkbox"/> Storage <input type="checkbox"/> Casual use <input type="checkbox"/> Private <input type="checkbox"/> Commercial				

## APPROVALS

<b>Officer's name:</b>	
<b>Signed:</b>	<b>Date:</b>
<b>Regional Manager/District Manager -</b> as delegate of CEO under Section 133(2) of the <i>Conservation and Land Management Act 1984</i> .	<b>Date:</b>
<b>This authority expires on:</b>	<b>Expiry Date:</b>



## Terms and conditions to install, own and/ or use a mooring



Department of Biodiversity,  
Conservation and Attractions



### Schedule 1

These terms and conditions are intended to be read in conjunction with the *Conservation and Land Management Act 1984* (the Act) and Conservation and Land Management Regulations 2002 (the Regulations). Nothing in these terms and conditions is to be read as limiting the Act or Regulations. In the event of any inconsistency, the Act and Regulations shall prevail.

#### DEFINITIONS

Except where a term is specifically defined below, any term which is defined in the Act or Regulations has the same meaning where it appears in these terms and conditions. For the purposes of these terms and conditions, unless the contrary intention appears:

**Act** means the *Conservation and Land Management Act 1984*.

**Additional vessel** means a vessel authorised by the department as an additional vessel to use a mooring but is not the designated vessel for that mooring.

**Authorised Officer** means Department of Biodiversity, Conservation and Attractions Officer.

**Authority holder** means the person to which lawful authority has been granted under Regulations 4 and 59 of the Conservation and Land Management Regulations 2002 to install a mooring/s, subject to these conditions and any additional conditions included in or attached to the lawful authority.

**CALM land** means land and waters to which the *Conservation and Land Management Act 1984* applies.

**Designated vessel(s)** means the vessel(s) nominated by the authority/ licence holder approved by DBCA to use a mooring.

**The department** means the Department of Biodiversity, Conservation and Attractions or DBCA.

**DGPS** means differential global positioning system.

**Environmental criteria** means the environmental criteria that the department specifies for a mooring and may alter from time to time.

**Director General** means the Chief Executive Officer of the Department of Biodiversity, Conservation and Attractions referred to in section 36(1) of the Conservation and Land Management Act 1984 or his delegate.

**Lawful authority** has the same meaning as in Regulation 4 of the Conservation and Land Management Regulations 2002, and includes these Schedule 1 conditions, and additional conditions included in and attached to the lawful authority and any extension or renewal to it.

**Licence holder** means the person issued with a private mooring licence to install, own and/ or use a private mooring within a private mooring licence area, subject to these conditions and any additional conditions included in and attached to the licence.

**Member** means a member of the authority/ licence holder, where the authority/ licence holder is an incorporated body, and whose vessel is being permitted to use certain moorings.

**Mooring** means a structure or apparatus (other than a temporary anchor) which may be used to secure a vessel;

**Mooring anchor** means the method of attachment of the mooring to the seabed.

**Person** includes a body corporate, company, association or body of persons (corporate or unincorporated).

**Registered length** in all cases is that length stated on the certificate of registration as issued by the Department of

Transport (DoT) under the *Navigable Waters Regulations 1958*.

**Regulations** mean the Conservation and Land Management Regulations 2002.

**Tender** means an auxiliary vessel that (a) is not more than 3.1 metres in length; (b) is propelled by motored power not exceeding 3.73 kilowatts; (c) is marked in accordance with regulation 45A(3) of the *Navigable Waters Regulations 1958* or is registered under those regulations; and (d) is used as a life boat or means of transportation between the parent vessel and the shore, or for both those purposes, but for no other purpose.

**Top end gear** means all mooring apparatus above the seabed connected to the mooring anchor.

**Land** also means water.

**You** means the authority/ licence holder.

#### INTERPRETATION

- a. Any reference to the authority/ licence holder's responsibility includes, where the context permits, the authority/ licence holder's members, employees, agents and contractors.
- b. The singular includes the plural and vice versa.
- c. A reference to any thing is a reference to the whole or any part of it and a reference to a group of things or persons is a reference to any one or more of them.
- d. If the authority/ licence holder consists of a partnership or joint venture or incorporated body, then:
  - i. an obligation imposed on the authority/ licence holder binds each member and person who comprises the authority/ licence holder jointly and severally;
  - ii. the act of one member or person who comprises the authority/ licence holder binds the other members or persons who comprise the authority holder; and
  - iii. a breach by one member or person who comprises the authority/ licence holder constitutes a breach by the authority/ licence holder.
- e. A reference to a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them.
- f. If a word or phrase is defined, other grammatical forms of that word or phrase have a corresponding meaning.
- g. If the word "including" or "includes" is used, the words "without limitation" are taken to immediately follow.

## GENERAL CONDITIONS

- 1) The authority/ licence holder acknowledges and agrees that you use the mooring site at your own risk.
- 2) The authority/ licence holder acknowledges and agrees that the department is not liable to you or anyone else for any loss, damage, personal or consequential injury or death to any person or vessel using the mooring whatsoever.
- 3) The authority/ licence holder shall keep the mooring maintained in a safe condition.
- 4) Where the authority/ licence holder is an association, the authority/ licence holder shall not unreasonably deny membership to a person that requests it.
- 5) The authority/ licence holder shall, within seven (7) days, notify the department of any alteration in the registered particulars of the moorings, including any change of address, or telephone number of the authority holder or the person who may be contacted on behalf of the authority holder.
- 6) The authority/ licence holder shall supply any further information upon request.
- 7) The authority/ licence holder shall ensure that a copy of this lawful authority and conditions is kept on the vessel being used to install the mooring and produce it on request from a DBCA officer.
- 8) The mooring/s identification issued to the authority/ licence holder must be clearly displayed on the mooring buoy at all times.

## MOORING INSTALLATION

- 9) The mooring must be installed within 90 days of issue of the lawful authority/ licence.
- 10) The authority/ licence holder shall ensure that the mooring is installed by a DBCA approved mooring contractor at the location specified in the application using a DGPS.
- 11) The authority/ licence holder shall ensure that no damage to flora or fauna occurs during the installation of the mooring.
- 12) The mooring inspection report shall be conducted by a DBCA approved mooring contractor at the authority/ licence holder's expense, and shall demonstrate the condition of the mooring, that the mooring can be operated safely within its limits of acceptable use, and that it meets the following criteria:
  - a. the mooring is installed in such a manner as to avoid causing damage to sensitive habitats (eg corals/seagrass);
  - b. the mooring is non-polluting;
  - c. the mooring has a pendant with a mid-water float or other environmental package; (if required)
  - d. the top end gear does not come into contact with the seabed (including sand, seagrass, corals etc) at any time.
- 13) The authority/ licence holder shall provide DBCA with a mooring inspection report from a DBCA approved mooring contractor in the format required by the department within seven days of the mooring being installed.
- 14) The authority/ licence holder acknowledges and agrees that the mooring inspection report shall include:
  - a. Buoy Swing Radius (BSR): maximum horizontal distance that the buoy can move from the mooring's central point, based on lowest low water;
  - b. Pick-Up Rope Length (PRL): length of pick-up ropes attached to the mooring;
  - c. Maximum Swing Room (MSR): distance from the centre point of the mooring to the nearest mooring;

- d. Max Vessel Length (MVL): maximum registered length of vessel able to use the mooring;
  - e. Maximum approved wind rating; and
  - f. Final DGPS coordinates of the mooring's location.
- 15) The authority/ licence holder acknowledges and agrees that the department may not accept a mooring inspection report on reasonable grounds and may request another to be provided.
  - 16) The authority/ licence holder shall notify the department a minimum of two weeks in advance of the planned date for installation of a new mooring or removal and relocation of an existing mooring.
  - 17) The authority/ licence holder shall inform the department when the mooring has been installed.
  - 18) The authority/ licence holder acknowledges and agrees that the department may inspect the mooring at any time and shall assist the department in the logistics of the inspection, if required to do so.
  - 19) The authority/ licence holder shall be responsible for all costs associated with the installation of the mooring and all costs associated with the ongoing maintenance, management and insurance of the mooring.
  - 20) The authority/ licence holder acknowledges and agrees that the department may revoke this lawful authority at any time.
  - 21) The authority/ licence holder acknowledges and agrees that the mooring must not move from the location approved in the lawful authority/ licence.

## MOORING MAINTENANCE

- 22) The authority/ licence holder shall keep and maintain the mooring in good condition and repair at all times so that it complies with these conditions of the lawful authority/ licence and the mooring inspection report.
- 23) The authority/ licence holder shall provide an inspection report from a DBCA approved mooring contractor annually or as directed by the CEO or his delegate by notice in writing. Failure to provide an inspection report by the required date stated on the inspection report may result in the department revoking the lawful authority/ licence.
- 24) The authority/ licence holder shall keep the mooring buoy in a state such that it is afloat, free of marine growth and clearly visible at all times.
- 25) The authority/ licence holder is not permitted to alter the structure of the mooring apparatus, such as affixing additional chains, so that the mooring no longer matches the specifications stated in the mooring inspection report.
- 26) The authority/ licence holder must provide DBCA with any assistance required to inspect the mooring.

## MOORING BUOY

- 27) The authority/ licence holder shall ensure that the surface buoy for the mooring is in accordance with the following conditions:
  - a. is rota-moulded polyethylene or similar;
  - b. is yellow in colour;
  - c. is conical in shape;
  - d. is a minimum of 600mm diameter;
  - e. has a smooth surface to take black lettering of 50mm height / 6mm width minimum;
  - f. displays the words "AUTHORISED USE ONLY";
  - g. displays the mooring's usage limits: MAX LENGTH (m), MAX WINDS (Kn) as determined by the mooring contractor; and
  - h. displays the mooring identification code (supplied by the department) at the apex of the buoy.

## **REMOVAL, RELOCATION OR MODIFICATION OF MOORING**

- 28) The authority/ licence holder acknowledges and agrees that the department may request you to remove, relocate, upgrade or modify to a specified standard the mooring apparatus and that this request shall be completed by you at your own expense, without causing damage to flora or fauna and within the timeframe set by the department.
- 29) The authority/ licence holder shall not remove a mooring until the removal method is approved by the department.
- 30) If the authority/ licence holder does not comply with a request in the specified timeframe, or the request is not completed to the satisfaction of DBCA, you acknowledge and agree that the department may remove the mooring and seek reimbursement for the cost from you. The department shall hold the mooring apparatus at the local the department office for collection for three months, at which time the mooring apparatus becomes the property of the department. At this time, the department may sell, destroy or otherwise dispose of the mooring apparatus, with monies retained by the department.
- 31) The licence holder acknowledges that the CEO may, by notice in writing, require a licence holder, or a person who was a licence holder, to relocate or remove a licensed mooring within a specified timeframe if:
  - the CEO cancels the licence;
  - the licence holder surrenders the licence;
  - the relocation or removal is necessary to comply with any management plan for the land on which the mooring is located; or
  - the CEO considers that it is in the public interest for the mooring to be relocated or removed.
- 32) The authority/ licence holder acknowledges and agrees that if you are requested to remove the mooring and the mooring anchor cannot be removed safely or in an environmentally sensitive manner you shall remove the top gear only and the mooring anchor shall become the property of the department.

### **LAWFUL AUTHORITY/ LICENCE IS NOT TRANSFERABLE**

- 33) The authority/ licence holder acknowledges and agrees that the lawful authority/ licence to install, own and/ or use a mooring is not transferable.
- 34) Should you intend selling the mooring in situ, your authority/ licence is not transferrable and you shall advise the proposed purchaser to apply to the department for lawful authority/ licence to secure their vessel to the mooring before purchasing the mooring.
- 35) The authority/ licence holder acknowledges and agrees that the mooring will not be leased, rented or hired for profit, financial gain or reward to any other person.
- 36) The private mooring licence holder acknowledges and agrees that the mooring may be used by other vessel/s in accordance with the licence if permission is granted in writing by the licence holder and the permitted user has the written consent of the licence holder in their possession at any time the person has a vessel secured to the mooring. The licence holder may not receive profit, financial gain or reward for allowing the use of the mooring by another person.
- 37) For moorings installed under lawful authority (as opposed to a private mooring licence), additional users must also obtain lawful authority from the department to use the mooring. The authority holder may not receive profit, financial gain or reward for allowing the use of the mooring by another person.

## **USING A MOORING**

- 38) The authority/ licence holder acknowledges and agrees that the safety and security of the vessels using the mooring and any employees, agents, contractors, passengers or members are the authority/ licence holder's responsibility under all prevailing conditions.
- 39) The authority/ licence holder shall ensure that a mooring is safe and fit for purpose as detailed in the mooring inspection report.
- 40) The authority/ licence holder shall not construct or authorise the construction of any structures (including beach or swing moorings, or pontoons) within the marine park or reserve without the written approval from Director General or delegate.
- 41) The mooring owner shall not attach the nominated vessel or tender or allow the nominated vessel or tender to remain attached to a mooring at the mooring site if the forecast is for sustained winds exceeding the maximum approved wind rating for the specified mooring and vessel.
- 42) The authority/ licence holder acknowledges and agrees that the designated vessel is recorded as the primary vessel for that mooring.
- 43) The authority/ licence holder acknowledges that additional vessels may be nominated and an application to the department must be submitted for lawful authority for those vessels to use the mooring.
- 44) The authority/ licence holder shall supply the department with current survey certificates for all vessels authorised to use the mooring on request.
- 45) Only one vessel may be secured to a mooring at any one time.
- 46) The authority/ licence holder should ask any unauthorised user of the mooring to move on, and if they do not, contact the marine ranger.
- 47) When the department discovers that a vessel owned by you is in danger or has been wrecked and has made attempts to contact you but you are either not contactable or it is an emergency situation, you agree that the department shall become your agent and you authorise the department to nominate a salvage contractor on your behalf to either salvage or to dispose of the wrecked vessel. For the avoidance of all doubt, you agree and acknowledge that by our appointing any such salvage contractor, you are directly responsible for their costs.

## **CANCELLATION OR SURRENDER OF A PRIVATE MOORING LICENCE**

- 48) The private mooring licence holder acknowledges that the CEO may, by notice in writing, cancel a private mooring licence if the licence holder:
  - a. ceases to own, or no longer appears to control, the mooring; or
  - b. fails to provide an inspection report for the mooring; or
  - c. fails to comply with a notice to repair, relocate or remove a private mooring.
- 49) The licence holder may surrender a licence by notice in writing to the CEO, and acknowledges that surrender of a licence does not entitle the licence holder to the refund of any fees paid in respect of a period after the date of surrender.

## **SUMMARY OF REQUIREMENTS UNDER THE REGULATIONS**

The following summary of the Regulations is intended as a broad guide only and does not cover all of the regulations or amendments. DBCA strongly recommends that you read the regulations before completing any application.

### **Installing and using a mooring (in areas that are not mooring licence areas)**

You may not install a mooring on CALM land without lawful authority from the department (Regulation 59(1)(a)).

You may not allow a mooring that you own or control to remain on CALM land without lawful authority from the department (Regulation 59(1)(b)).

You may not secure a vessel, or allow it to remain secured, to a mooring that is on CALM land without lawful authority from the department (Regulation 59(2)).

You may not allow a moored vessel to be on CALM land without lawful authority (Regulation 59(3A)).

You may not secure a vessel (unless it is a tender), or allow it to remain secured to :

- a mooring on CALM land, without lawful authority;
- a mooring on CALM land to which a vessel is already secured; or
- a vessel that is secured to a mooring on CALM land (Regulation 59(3)).

For the purposes of Regulation 59, a person who is on a vessel that is secured to a mooring, or secured to a vessel that is secured to a mooring, is taken to allow it to remain secured to that mooring or that vessel (Regulation 59(5)).

### **Installing and using a mooring in a mooring licence area**

The CEO may declare an area of CALM land to be a mooring licence area by notice published in the *Gazette* (Regulation 98AJ).

The CEO may grant a licence to install a private mooring in a mooring licence area and/ or to own and control a private mooring located in a mooring licence area (Regulation 98AK).

The effect of a private mooring licence is:

- a licensed mooring is authorised to be in a mooring licence area;
- a licence holder is authorised to use a licensed mooring in accordance with a private mooring licence that is in force for the mooring;
- a person who has the written consent of the licence holder is authorised to use a licensed mooring in accordance with a private mooring licence that is in force for the mooring;
- a person who has the written consent of the licence holder to use a licensed mooring just have in his or her possession the written consent of the licence holder at any time the person has a vessel secured to the mooring (Regulation 98AL).

A private mooring licence may be granted if the CEO is satisfied that the mooring is suitable for each vessel or class of vessel that may be secured to the mooring and does not constitute a danger or interfere with the navigation of other craft or any other usage of the land on which the mooring is located (Regulation 98AN).

A private mooring licence is not transferable (Regulation 98AO).

A private mooring licence remains in force for the period specified in the licence (Regulation 98AP).

A private mooring licence may be renewed (Regulation 98AQ).

A private mooring licence may be granted or renewed subject to conditions, which may be added to, cancelled, suspended and otherwise varied from time to time by the CEO during the operation of the licence (Regulation 98AR).

A licence holder must not contravene a condition endorsed upon or attached to the licence (Regulation 98AR(3)).

It is a condition of a licence to use a private mooring that the licence holder must maintain the mooring in good condition and repair (Regulation 98AT(1)). The CEO may, by notice in writing, require a licence holder to provide a current inspection report for the licensed mooring (Regulation 98AT(2)).

The CEO may, by notice in writing, require a licence holder to repair the licensed mooring within a specified time if the CEO considers that the mooring has deteriorated to the extent that it is dangerous, unusable or in need of repair (Regulation 98AU).

The CEO may, by notice in writing, require a licence holder (or a person who was a licence holder) to relocate or remove the licensed mooring if the licence is cancelled or surrendered, or if the relocation or removal is necessary to comply with any management plan for the land on which the mooring is located or if it is in the public interest for the mooring to be relocated or removed (Regulation 98AU).

A private mooring licence may be cancelled if the licence holder ceases to own or no longer appears to control the mooring; or the licence holder fails to provide an inspection report for the mooring; or fails to repair, relocate or remove a mooring (Regulation 98AV).

A licence holder must notify the CEO of any alteration in the particulars of the licensed mooring within 7 days, including any change of address or telephone number (Regulation 98AW).

A private mooring licence may be surrendered by notice in writing to the CEO. A licence holder who surrenders a licence is not entitled to the refund of any fees paid in respect of a period after the date of surrender (Regulation 98AX).

### **Anchoring**

You may not anchor a vessel in a restricted area if that activity is prohibited, or contravene a restriction on the anchoring of vessels in a restricted area, without lawful authority from the department (Regulation 60(1)).

You may not anchor a vessel, or allow a vessel to remain anchored, on CALM land if the vessel lies in a position where part of the vessel, or a tender attached to it, is closer than 50 metres to a mooring that is on CALM land, except to avoid or mitigate danger to human life or significant damage to property (Regulations 60(2A) and 60(2)).

### **Commercial operations**

Regulation 106 states that you cannot sell any goods or services, or carry on any business, on land or waters managed by the department without lawful authority. You may apply to the department for a licence to undertake a commercial activity (Regulation 94).

### **Operation of vessels in a restricted area**

You may not operate a vessel in a restricted area without lawful authority, or contravene a restriction imposed on the operation of a vessel in a restricted area (Regulation 61).

### **Operation of vessels in nature reserves**

You may not operate a vessel in a nature reserve without lawful authority, except in a designated area of the reserve (Regulation 61A).

### **Safe navigation of vessels**

You may not navigate your vessel in a manner that:

- a) endangers the safety of your vessel, other vessels or any person;
- b) causes damage to any person or other vessel;
- c) damages vegetation, coral, shoals, sandbanks, mudflats or the bed or banks of any body of water;
- d) endangers or harms or disturbs any fauna;
- e) causes nuisance to other people or vessels; or
- f) obstructs, impedes or interferes with other vessels (Regulation 62).

### **Launching, beaching and retrieving**

You may not launch, beach, anchor a vessel by placing the anchor on a beach, access, operate or retrieve a vessel in a restricted area without lawful authority, or contravene a restriction on any of these activities (Regulation 64).

### **Discharging or depositing waste**

You may not dispose of waste, including sewage, in a marine park, marine nature reserve or management area without lawful authority from the department (Regulation 21 and 24).

### **Owner to obey reasonable direction**

You must obey any reasonable direction given to you by an authorised officer in relation to the anchoring, mooring or movement of your vessel (Regulation 63).

