

Requirements and Conditions for Installing, Moving or Selling a Mooring on the Swan and Canning Rivers

This information pack has been produced to advise you how to obtain a mooring site and licence on the Swan and Canning rivers.

The entire Swan and Canning rivers are declared Mooring Control areas. In order to moor your vessel in a Mooring Control area you must have written permission from the Department in the form of a Mooring Site Licence.

THE MOORING SITE LICENCE

A Mooring Site Licence, once issued, is renewed annually upon payment of the required fee. In order to apply for a Mooring Site Licence you must own a suitable vessel. A vessel is classified as a suitable vessel if:

- you are named on the certificate of registration of the vessel as the owner (or part owner) or, for vessels that are not registrable, produce evidence of ownership satisfactory to the Department.
- the vessel is not licenced as the principal vessel for any other mooring site and,
- the length of the vessel does not exceed the maximum approved length of the mooring site.

THE PRINCIPAL VESSEL (THE "LICENCED VESSEL")

The principal vessel is the vessel owned by the Mooring Licensee that is nominated on the Application as the principal vessel to occupy the mooring site. It is the length of the principal vessel that governs the maximum approved length for the mooring site. Only one vessel (Regulation 24 (2)) may be recorded as the licenced vessel for any mooring site.

Only an approved vessel may occupy the Licensed Mooring Site.

An approved vessel (whether it is the principal vessel or other authorised vessel) must be registered at all times in accordance with the Marine Act 1982 (refer Regulation 45B (1) (a) and (b) of the Navigable Waters Regulations. If the vessel is not registrable under the Navigable Waters Regulations or is a tender, the vessel is to exhibit so that it is clearly visible from the exterior of the vessel, the Mooring Identification Sticker issued under the regulations for that reason.

PENALTY for non compliance \$1000.

Substitution of the principal vessel (the "LICENCED Vessel")

A mooring licensee may, by written notice to the department, request that the particulars of the licensed vessel be deleted from the mooring register and another suitable vessel [nominated and owned by the mooring licensee] be substituted as the licensed vessel.

A mooring licensee who sells or otherwise disposes of his or her interest in a licensed vessel must give written notice of the sale or disposal, and the date of the sale or disposal, to the department within 7 days after the sale or disposal. Within 6 months after the date of the sale or disposal, by written notice to the department, nominate another suitable vessel that is owned by the mooring licensee. This is to be accompanied by full particulars of the nominated vessel and the required fee paid

Failure to nominate another suitable vessel within the required time (6 months from the date of sale) will result in the cancellation of the mooring (Regulation 25 (3) and 14 (1) (d)).

OBTAINING A MOORING SITE LICENCE

Enclosed is an application for a Mooring Site Licence. The application must be fully completed and returned to the Department, along with the application fee and the initial annual fee, to the address on the bottom right hand corner of the Application Form.

A copy of the schedule of Mooring fees is also enclosed. The annual fee is subject to review as determined by the department.

When the Mooring Site Licence application is approved, and upon payment of the required fees, a Mooring Site Installation approval letter will be issued. A copy is sent by facsimile to the nominated Mooring Contractor and the original to the applicant.

Who will install my mooring apparatus?

When a Mooring Site Licence Application has been submitted to the department and approval gained, you should engage a mooring contractor (as named on the Application) to install the mooring apparatus.

The mooring apparatus will be installed by your contractor into a position nominated by the department. However, should any minor adjustment be required, then the final position of the mooring apparatus will be as detailed on the front of the Mooring Site Licence. This position is expressed in Universal Transverse Mercator coordinates using Differential Global Positioning System (DGPS) equipment.

It remains the responsibility of the licensee to confirm with their nominated mooring contractor that the location of the mooring is correct.

What if the area I apply for is full?

If there are insufficient mooring sites available in an area you may advertise in the media to purchase a mooring in the area desired. Prior to purchasing the mooring you should then check with the Department (9431 1000) to confirm that the site will be suitable for your length vessel. If it is, then a Transfer Application must be submitted and the appropriate fee paid.

MARKING OF THE MOORING SITE

You have several options with regard the fitting of an approved mooring buoy to your mooring apparatus. They are:

1. At no cost to yourself, you may be issued with and accept the Department's mooring buoy and have it attached to your mooring. If using a mooring contractor, then with prior approval they may collect the buoy from the Department on your behalf and attach it to the mooring apparatus upon installation.
 - This mooring buoy must be returned to the Department if the licence is cancelled for any reason.
 - You will be invoiced for the cost of a replacement buoy if you are unable to return the buoy.
2. Alternatively you may purchase your own mooring buoy which, under Regulation 12 (4) (c) and (d), must be;
 - beehive shaped
 - bright yellow in colour
 - the size is to be 700 millimetres in height and 620mm in diameter
 - the Mooring Site Licence Numbers are to be black in colour with a white contrasting background with each digit to be 65mm x 50mm.
 - The Department's logo to appear on the mooring buoy.

Should the buoy not fit the above description, the Mooring Site Licence will not be granted / will be revoked and the mooring apparatus must be removed from the Mooring Control area. Should you elect option 2, all costs of purchase of the buoy and centre shaft are borne by yourself.

What do I do with the new Mooring Buoy?

Should you decide on option 1 above, then upon issue to you of the mooring buoy you will be required to sign for it.

You must then attach the mooring buoy to your mooring within 7 days of taking delivery. Please see “When and Where do I pick up my mooring buoy?” [below].

Should you decide on option 2 above, you must purchase and attach the mooring buoy to your mooring within 7 days of the granting of a Mooring Site Licence.

MOORING MAINTENANCE

A mooring licensee must maintain their mooring in the DGPS position as detailed on the front of the Mooring Site Licence (or when sold, the Transfer Approval letter) and, the mooring apparatus must be maintained in a condition of good repair. The owner of a vessel on a licenced mooring site must maintain the vessel in a seaworthy condition at all times so that the vessel is capable of undertaking a voyage.

To ensure your mooring is installed correctly the Department recommends that you engage an experienced mooring contractor, use only quality gear and, have the mooring inspected and serviced at least annually to ensure it is in good condition.

The mooring buoy, and its associated riser line, must be checked and cleaned regularly to ensure any build up of marine growth is removed.

Should you fail to do so you risk cancellation of the mooring site licence.

Maintenance of the Mooring Buoy

Excessive amount of marine growth on the mooring buoy and / or riser lines being too short when the tide is high causes the buoy to be pulled underwater. The status of your mooring buoy makes identification difficult and constitutes a breach of the conditions of the mooring licence.

Mooring Regulation 19 (b) requires that you maintain the mooring buoy in a condition of good repair. Failure to do so may incur a maximum penalty of \$2000 and / or cancellation of the Mooring Site Licence.

YOUR OBLIGATIONS

Please see the attached Terms and Conditions.

When and Where do I pick up my mooring buoy?

The Department will provide a buoy free of charge or alternatively, the mooring licensee is at liberty to provide a mooring buoy to the Department’s specification at their own expense.

Any loss or damage to the buoy (whether issued free of charge by the Department or purchased to the Department’s specifications by the Licensee) that requires replacement of the buoy will be at the expense of the Mooring Licensee.

You must collect your mooring buoy between the hours of 8.00AM and 4.00PM at the Department’s depot / office at 19 Mews Road, Fremantle. By prior arrangement, your Mooring Buoy may be picked up on any weekday.

To arrange pick up of your Mooring Buoy please contact the Marine Operations Centre on 9431 1000. If using a mooring contractor, then with prior approval they may collect the buoy from the Department on your behalf and attach it to the mooring apparatus when they install the mooring apparatus.

Can I allow another vessel to use my mooring?

Yes, subject to certain conditions. Firstly, the mooring owner must lodge an "Authorisation to Use Mooring Site" with the Department and pay an administration fee. The vessel which is requested to be authorised to use the mooring must be of equal or less length of the mooring owners vessel (the principal vessel). If it is, then the Authorisation is normally approved.

The owner of the "authorised vessel" must abide by all the Terms and Conditions and Mooring Regulations of a mooring site licensee.

Approval for additional "authorised vessels" to use or occupy the mooring site will automatically cease upon the sale and / or transfer of the Mooring Site Licence or if the licensee applies to change the "principal vessel" to one that is of lesser length than the authorised vessel.

It is the responsibility of the Licensee (the "Vendor") to ensure all "authorised users" are notified that their authorisation has ceased once the mooring is sold and / or transferred.

Only a licensed vessel may occupy the Licensed Mooring Site. The licensed vessel (whether it is the principal vessel or other authorised vessel) must be registered at all times in accordance with the Marine Act 1982 (refer Regulation 45B (1) (a) and (b) of the Navigable Waters Regulations).

If the vessel is not registrable under the Navigable Waters Regulations or is a tender, the vessel is to exhibit so that it is clearly visible from the exterior of the vessel, the Mooring Identification Sticker issued under the regulations for that reason. The form will be mailed to you upon request. Please return it with the fee.

PENALTY for non compliance \$1000.

Can I sell my mooring tackle?

Yes. With the exception of the Department's yellow mooring buoy, the mooring tackle remains your property at all times. However, you can not sell the mooring site unless the Department approves for it to be transferred.

Firstly, the prospective mooring owner must lodge an "Application to Transfer a Mooring Site" with the Department and pay an administration fee. The vessel which is requested to be the new principal vessel (which must be a "suitable vessel") must be of equal or less length of the mooring owners vessel (the current principal vessel).

If it is, and the Transfer is approved, the new owner must abide by all the terms and conditions and regulations of a mooring site licensee. The Transfer form will be mailed to you upon request. Please return it with the Transfer fee.

Approval for additional "authorised vessels" to use or occupy the mooring site will automatically cease upon the sale and / or transfer of the Mooring Site Licence.

It is the responsibility of the Licensee (the "Vendor") to ensure all "authorised users" are notified that their authorisation has ceased once the mooring is sold and / or transferred.

Can I move or relocate my mooring tackle?

Yes. Firstly, the mooring owner must lodge an "Application to Relocate a Mooring Site" with the Department and pay an administration fee. A "proposed" suitable site can be negotiated with the Moorings Control Section. Once a suitable site has been located, the owner can approach an approved mooring contractor to re-locate the mooring tackle. The mooring contractor should then contact the department to obtain the UTM of the "proposed suitable site" and to determine / confirm that the new site is suitable.

It remains the responsibility of the licensee to confirm with their nominated mooring contractor that the revised final location of the mooring is correct and that there will be no other problems in re-positioning the mooring tackle to the "proposed" site.

Is there anything else I should know?

Yes. The owner of a vessel that is not required to be registered under the normal recreational boating registration regulations (as it has no means of mechanical propulsion), will also be issued with a sticker for the purposes of mooring licences on the Swan and Canning rivers. This sticker must be affixed to the vessel so that it is clearly visible from the outside of the vessel.

This is the only way in which to identify “non registrable” vessels that are approved to occupy a licenced mooring site. Should you own a vessel in this category please ask for your sticker when collecting the mooring buoy.

GENERAL INFORMATION.

Under the Mooring Regulations 1998, moorings may only be established in areas approved for the purpose. Upon the introduction of the Mooring Regulations 1998, all moorings that were outside an approved mooring area were “grandfathered”.

The term “grandfathered” is used to describe any mooring that was approved for transition into the new arrangements but was outside an approved mooring area under the new regulations. Any mooring in this category was retained by the current mooring holder but cannot be sold, transferred or otherwise passed on to another owner. Grandfathered moorings must be removed from the site once the current owner decides to relinquish the site.

Please remember

Your Mooring Site Licence is an agreement for your vessel to occupy a licenced mooring site within a mooring control area.

- If you sell your vessel (the principal vessel) you must notify the Moorings Control Section of the Department immediately.
- If you do not pay your mooring fee by the due date or you use the mooring site in contravention of the Regulations and Terms and Conditions, the agreement is broken. The Department may then cancel the licence and you will be required to remove the mooring apparatus from the mooring site.
- If a licence is cancelled and the Department is forced to remove the mooring apparatus, vessel or both, the cost of this removal is borne by the mooring site licensee. Costs may be recovered in a court of competent jurisdiction. A vessel is secured to a mooring on a mooring site at the risk of the owner of the vessel.

For further information

If you have any further questions, please contact the;
Duty Marine Officer on 9431 1000 (facsimile 9239 2426).

MOORING FEES

EFFECTIVE

1 JULY 2006 TO 30 JUNE 2007

Fee Type	Fee (includes GST)
1 Application Fee.....	\$51.50
2 Annual Licence Fee.....	\$251.60
3 Transfer Fee.....	\$51.50
4 Additional Vessel Fee	\$51.50
5 Change Principal Vessel Fee	\$51.50
6 Exchange Mooring Site Fee	\$51.50(each mooring)
7 Late Payment Fee	\$51.50

Upon initial application for a mooring licence the total fee payable is \$303.10.
The above charges have Goods and Services Tax (GST) included

MOORING AND DIVING COMPANIES

DIVER 1 DIVER 2 WA MOORING SERVICES

13 Possner way
Henderson wa 6166
Ph 9437 3900
Mob 0417 956 449
Mob 0418 911 825
Fax 9437 3933

OFFSHORE MOORINGS

4 Stanhope street
Cottesloe wa 6011
Ph 9385 1296
Mob 0427 470 750
Fax 9384 0437

AQUALIB MOORINGS

Po box 495
Mandurah wa 6210
Ph 9535 6553
Mob 0417 055 553
Fax 9535 8386

AUSTRALIAN MOORING SERVICES

15 Motril ave
Cockburn waters wa 6166
Ph 9434 9684
Mob 0417 944 884
Fax 9418 5748

ENVIRONMENTAL MOORINGS AUSTRALIA

Po box 2063
Palmyra wa 6961
Ph 9330 5091
Mob 0411 480 480
Fax 9330 9969

The above list is not conclusive. There are other mooring contractors that you may wish to engage. However, whichever contractor you decide upon to install your mooring must be able to provide the department with the position of the mooring as expressed in differential global positioning system (dgps) and within the accuracy required by the department as required by the terms and conditions of mooring licences.

TERMS AND CONDITIONS

Pursuant to Mooring Regulations 1998, the following Terms and Conditions are attached to the Licence and are Requirements of the licensee. In accepting the offered Mooring Site, the Licensee agrees to abide by these Terms and Conditions and the Mooring Regulations 1998, at all times.

1. The Mooring Licence is valid subject to the payment of the prescribed annual fee and compliance by the Licensee with the Mooring Regulations 1998.
2. The exact geographical position that the mooring tackle is to be located [the Mooring Site] is as shown on the front of the licence. The mooring tackle is to be positioned using Differential Geographical Positioning System (DGPS) and its position is to be expressed in Universal Transverse Mercator (UTM) coordinates using Datum WGS84.
3. Any mooring apparatus must be of a nature, material, dimension, size, type and construction that will provide a secure mooring for the vessel nominated on the application.
4. The Licensee agrees to locate and maintain the mooring apparatus on the seabed at the UTM position shown on the front of this licence, the accuracy of which is to be no greater than plus or minus 5 metres of that UTM position.
5. Only the licenced vessel, or other approved authorised vessel as described on the licence or Endorsement, may occupy the Licenced Mooring Site. Approval for additional "authorised vessels" to use or occupy the mooring site will automatically cease upon the sale and / or transfer of the Mooring Site Licence. If approved, the Mooring Site will be licenced to suit the swing radius of the new Principal Vessel. If the new Principal Vessel is changed to a vessel of lesser length than the previous Principal Vessel then the allowable swing radius will be reduced to the length of the smaller vessel. If sufficient swing area is not available at the present mooring site for the new [longer] Principal Vessel and it causes interference with any other mooring or vessel, then the Mooring Licensee will be required, at their own expense, to relocate the mooring apparatus to another site approved by the department. This may not be within the present mooring area of your licence.
6. The vessel is to be registered in accordance with Regulation 45B (1) (a) and (b) of the Navigable Waters Regulations. If the vessel is not registrable under the Navigable Waters Regulations or is a tender, the vessel is to exhibit so that it is clearly visible from the exterior of the vessel, the Mooring Identification Sticker issued under the regulations for that reason. PENALTY for non compliance \$1000 maximum
7. A mooring licensee who sells or otherwise disposes of his or her interest in a licensed vessel must give written notice of the sale or disposal, and the date of the sale or disposal, to the department within 7 days after the sale or disposal. Within 6 months (refer Mooring Regulation 25 (3)) after the date of the sale or disposal, by written notice to the department, the mooring licensee must nominate another suitable vessel that is owned by the mooring licensee.
8. This is to be accompanied by full particulars of the nominated vessel and the required fee paid. Failure to do so will result in the cancellation of the mooring site licence (refer Mooring Regulation 14 (1) (d)).
8. The Licensee agrees to maintain the mooring apparatus in a serviceable condition at all times such that the nominated vessel is held securely at the Mooring Site at all times unless the vessel is on a voyage or is removed from navigable waters.
9. A Mooring Buoy to the following specification is to be fitted to the mooring apparatus:
 - bright yellow in colour
 - beehive shaped
 - 700 millimetres in height and 620 millimetres in diameter
 - displaying licence numbers , black in colour on a white background, with each digit 65mm high and 50mm wide; and
 - displaying the Department's logo
- The Department will provide a buoy to the above specification free of charge or alternatively, the mooring licensee is at liberty to provide a mooring buoy to the above specification at their own expense. Any loss or damage to the buoy that requires replacement of the buoy will be at the expense of the Mooring Licensee. This mooring buoy must be returned to the Department if the licence is cancelled for any reason. You will be invoiced for the cost of a replacement buoy if you are unable to return the buoy.
10. The Mooring Buoy is to be kept in a state such that it is afloat, free of marine growth and clearly visible at all times.
11. The Mooring Site Licence Number as shown on the front of the licence must be clearly visible on the mooring buoy at all times.
12. Each digit of the Mooring Site Licence Number must be of plain block design and not script and must be vertical and not slanting.
13. The Licensee must notify the department within 7 days of any change of address of the Licensee.
14. A vessel, other than the licenced vessel, may not occupy the Mooring Site unless the department has given permission in writing in the form on a variation [Endorsement] to the Licence.
15. Damage caused to other vessels or property by the licenced vessel or any other authorised vessel affixed to the mooring is the responsibility of the Licensee.
16. Acceptance by the Licensee of the offer of a Mooring Site Licence is considered proof that the Licensee has read the Terms and Conditions (the Requirements) and the Mooring Regulations 1998 and agrees to abide by them.