

AUSTRALIAN MARINE PARKS MOORING POLICY



Australian Government
Parks Australia



Australian
Marine Parks

Document number	Version	Publication date	Next review date	Approved by (Name, Position)
003483727	V1	February 2021	February 2023	Bianca Priest, A/g Assistant Secretary, Marine Parks Branch



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1. Introduction

This policy outlines how the Director of National Parks (**DNP**) will implement requirements in Australian Marine Park management plans for the authorisation, installation, maintenance and use of private and public moorings. The policy seeks to ensure that moorings support ecologically sustainable use, safe and equitable access opportunities for park users, and minimise impacts on the natural, cultural and heritage values of Australian Marine Parks.

Moorings that are well located, designed and maintained assist in preventing or minimising impacts to marine park values, while facilitating safe and equitable access to parks; however, moorings that are poorly designed, improperly located or incorrectly installed can also damage seabed habitats and have potential impacts on the health and safety of persons or damage property. Managing the installation, maintenance and use of moorings assists in minimising impacts while supporting safe access and compliance with park rules.

2. Legislation / Regulations

The installation, maintenance and use of moorings in Australian Marine Parks must be carried out in accordance with a relevant management plan. Management plans for the South-west, North-west, North and Temperate East Networks and the Coral Sea Marine Park are in force from July 2018 – 2028 with prescriptions relevant to moorings contained in Part 4 Managing Activities under Structures and Works. The management plan for the South-east Network is in force from July 2013 – 2023 with the prescriptions for Structures and Works contained in Part 5 Managing Use.

This policy should be read in conjunction with, and subject to:

- Management plans for the South-west, North-west, North, Temperate East and South-east Marine Park Networks and the Coral Sea Marine Park (further information on infrastructure and authorisations is located on the Parks Australia website at <https://parksaustralia.gov.au/marine/>);
- Policies issued under the [Assessments & Authorisations Program](#) for Australian Marine Parks;
- *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*;
- *Environmental Protection and Biodiversity Conservation Regulations 2000 (EPBC Regulations)*;
- *Environment Protection (Sea Dumping) Act 1981 (Sea Dumping Act)*;
- *Work Health and Safety Act 2011 (WHS Act) and Work Health and Safety Regulations 2011 (WHS Regulations)*; and
- relevant state and territory government legislation related to structures, transport operations, shipping and pilotage.



For navigational safety, information on moorings will be made available to mariners through issuing 'Maritime Safety Information' and the Australian Hydrographic Office for updating charts.

3. Scope

The policy applies to new and existing private and public moorings within Australian Marine Parks.

4. Definitions

Appropriately experienced person means a person who holds appropriate public liability and professional indemnity insurance and meets one or more of the following criteria:

- a) a registered professional engineer;
- b) a certified naval architect; or
- c) a mooring contractor with demonstrated relevant experience in the installation and maintenance of moorings and recognised by the DNP to be appropriately qualified.

Australian Marine Parks means Commonwealth reserves in marine areas, known as Australian Marine Parks, comprising the South-west, North-west, North and Temperate East Networks of Marine Parks and the Coral Sea Marine Park declared by the *Environment Protection and Biodiversity Conservation Act (Commonwealth Marine Reserves) Proclamation 2013*, and the reserves comprising the South-east Network of Marine Parks declared by the Proclamations made under the EPBC Act on 28 June 2007 and later renamed by proclamation in 2017.

Authorisation means written approval by the DNP allowing a regulated activity to occur within an Australian Marine Park, namely a permit, class approval, licence or lease issued in accordance with the EPBC Regulations and/or the relevant management plan(s).

Mooring means a permanently located facility that is designed solely for mooring a vessel and may include a floating buoy, tag, riser assembly/tackle and a structure fixing the mooring to the seabed.

Mooring reference number means the unique number prescribed by the DNP for each mooring.

Pre-existing mooring is a mooring installed privately (non-government) prior to 1 July 2018.

Private mooring is a mooring installed and managed in an Australian Marine Park for exclusive use, which may be official, commercial or non-commercial in nature.

Public mooring is a mooring installed and managed in an Australian Marine Park for public use.

WHS laws means *Work Health and Safety Act 2011* (Cth), *Work Health Safety Regulations 2011* (Cth) and corresponding WHS laws (as defined in section 4 of the *Work Health and Safety Act 2011*) of a state or territory.



5. Application for the installation, maintenance and use of a private mooring

The installation, use and maintenance of private moorings is subject to the Australian Marine Park management plans and generally requires assessment and authorisation from the DNP. Applications for authorisation of a private mooring may be made for a specific, exclusive use.

Private moorings that are for official use only and are installed, used and maintained by the Commonwealth, or under the direction of the Commonwealth, for the purposes of defence, border protection, law enforcement or emergency response do not require an authorisation by the DNP under the Australian Marine Park management plans.

- 5.1 Private moorings are allowable, subject to assessment and authorisation, in all Australian Marine Park zones. The activity associated with the mooring (e.g. commercial tourism, research) must also be allowable in the zone, and assessed and authorised by the DNP in accordance with the relevant management plan.
- 5.2 The DNP requires an application to assess the installation, maintenance and/or use of private moorings in accordance with the relevant management plan.
- 5.3 Applications must demonstrate that the installation of the proposed private mooring is necessary for one or more of the reasons prescribed in section 4.2.10.2 of the North-west, South-west, North, or Temperate East Marine Parks Network Management Plans, section 4.2.9.2 of the Coral Sea Marine Park Management Plan, or section 5.9.3 of the South-east Network Management Plan (as applicable). Applications must also include the following information about the mooring:
 - a) The objective of the mooring (for example: access, safety, business need, protection of natural values);
 - b) The proposed site of the mooring and proximity to other moorings if applicable (GPS coordinates and schematic);
 - c) The depth and substrate details at the mooring site;
 - d) Mooring specifications including type, materials, design, swing room and maximum/load capacity ratings. The mooring design must be certified by a registered professional engineer;
 - e) Installation method and timeframe (including who will undertake the installation work);
 - f) Inspection and maintenance schedule (including a description of what will be done, how it will be done and by whom);
 - g) Use of the mooring including vessel(s) specifications (length, weight displacement and draught) and intended frequency of use;
 - h) Arrangements for future decommissioning (if applicable); and



- i) An assessment of the risks, impacts and/or benefits of the mooring on the marine environment, cultural values, and social and economic values; and measures taken to avoid, minimise or mitigate those risks and impacts.

6. Assessment of private mooring applications

Management plans outline what the DNP must consider when assessing any application for an activity including for a private mooring in an Australian Marine Park. Refer to Part 4.3 of the Coral Sea Marine Park Management Plan and North-west, South-west, North and Temperate East Marine Parks Network Management Plans, and Strategy 2 in Part 4 of the South-east Network Management Plan.

- 6.1 Assessment will consider the risks and impacts of a mooring on the marine environment, including the area and type of substrate where the mooring is to be installed and changes to physical habitat, water quality and marine life. The impacts of the mooring on the seafloor habitat and species must be minimised through use of effective technology (for example: riser floats, rubber, elastic or shock absorbing mechanisms) to prevent chain dragging or movement of the mooring.
- 6.2 Assessment will consider the risks and impacts of a mooring on cultural values, including presence of or proximity to Indigenous cultural heritage sites.
- 6.3 Assessment will consider the risks and impacts of a mooring on social and economic values, including public access and equity, public safety and proximity to other moorings.
- 6.4 Decisions will consider the impacts and risks of the moorings on the values of the marine park and acceptability of those impacts and risks, including impacts on park users, stakeholders and Indigenous people.
- 6.5 As specified in the management plans, the DNP will not authorise a mooring unless satisfied that the potential impacts and risks of a mooring (compared to an anchor) on marine park values are either avoided or reduced to as low as reasonably practicable.
- 6.6 Assessment will consider the applicants' ability to maintain the mooring over time.

Note: Impacts includes consideration of both beneficial and detrimental effects.

7. Authorisation of private moorings

- 7.1 A person authorised by the DNP to install, maintain and/or use a mooring must comply with all conditions specified in their authorisation.
- 7.2 Authorisations for moorings will require that installation must be carried out by an appropriately experienced person. Further, evidence that the installation was carried out by an appropriately experienced person must be provided to the DNP.



- 7.3 Authorisation holders must ensure moorings are installed in accordance with all applicable WHS laws.
- 7.4 Moorings must be inspected annually by an appropriately experienced person, who certifies that the mooring is in a safe and serviceable condition and fit for purpose. A copy of each of the signed annual inspection and certification reports must be provided to the DNP.
- 7.5 Authorisation holders must report mooring related incidents to the DNP, including drifting or lost equipment.
- 7.6 Authorisation holders must indemnify the DNP against loss, damage or harm caused or contributed to by the authorisation holder or claims made against the DNP by third parties arising from the installation, use, maintenance and/or decommissioning of the mooring.
- 7.7 Authorisation holders must maintain public liability insurance for at least \$10 million per claim and in aggregate.
- 7.8 Decommissioning requirements for the mooring will be specified in the authorisation.

8. Use of private moorings

- 8.1 Authorisations for the use of private moorings may include the following conditions:
 - a) Moorings must be labelled or tagged with a mooring reference number and details of the maximum size of vessels suitable for the mooring and the maximum wind speed up to which a vessel within that maximum capacity rating may safely use the mooring;
 - b) A moored vessel cannot tender another vessel, other than its own;
 - c) A moored vessel, including its tender/s, cannot be greater than the maximum capacity rating of the mooring; and
 - d) A moored vessel must be attended at all times.
- 8.2 A person authorised to install and use a private mooring may make that mooring available to other marine park users. Access arrangements will be a matter for the authorisation holder. The authorisation holder must ensure that all other uses of the mooring are consistent with their authorisation and that other users comply with all relevant conditions of that authorisation.

9. Pre-existing moorings

- 9.1 This section applies to private moorings that were installed before 1 July 2018 (pre-existing moorings) in the Coral Sea Marine Park and the South-west, North-west, North and Temperate East Marine Park Networks where the management plans commenced on this date.
- 9.2 All marine park users are advised that the safety and suitability of pre-existing moorings for any purpose is unknown.



- 9.3 Authorisation holders must not use pre-existing moorings unless provided for in their authorisation. Application for continued use of a pre-existing mooring may require the applicant to arrange for an assessment of the mooring by an appropriately experienced person, to verify its safety and suitability. The outcomes of that assessment may result in the need for the applicant to upgrade, decommission or remove the pre-existing mooring. Pre-existing moorings will be subject to the same ongoing inspection and maintenance regime as new private moorings.
- 9.4 The DNP will undertake to locate and review pre-existing moorings and determine who installed and/or is using them. Based on this review, the DNP may consider decommissioning of such moorings from Australian Marine Parks. Reasonable notice will be provided to marine park users of any intended decommissioning.

10. Compliance with this policy

- 10.1 Mooring installation, maintenance and use is the responsibility of the authorisation holder of the mooring and must comply with conditions in the relevant authorisation, the EPBC Act and EPBC Regulations and Australian Marine Park management plans.
- 10.2 Failure to comply with an authorisation may result in a termination or revocation of the authorisation, and the DNP seeking remedies in contract (in the case of authorisation by licence) and/or action under the EPBC Act and EPBC Regulations.
- 10.3 Unauthorised moorings may be decommissioned by the DNP and action taken under the EPBC Act and EPBC Regulations as appropriate.
- 10.4 It is an offence to moor a vessel inconsistent with a determination of the DNP about mooring vessels in Australian Marine Parks, and penalties may apply under the EPBC Regulations.

11. Public moorings

- 11.1 In determining the need for public moorings in Australian Marine Parks, the DNP will consider the following:
- a) the natural, cultural, heritage and socio-economic values of proposed mooring sites and their vulnerability to impacts from visitation, including anchoring;
 - b) existing infrastructure, including the practicality of public infrastructure sited outside the marine park;
 - c) visitor access and equity;
 - d) maritime or visitor safety;
 - e) visitor compliance; and
 - f) costs associated with installation and maintenance.
- 11.2 The DNP will not install or maintain public moorings for use by an individual or single user group.



12. Assessment and installation of public moorings

- 12.1 Assessment of proposed moorings to be installed for public use, whether the installation will be by the DNP, other government agencies or by private individuals or entities, will be carried out in accordance with the requirements of Australian Marine Park management plans and as specified in this policy for private moorings (section 6).
- 12.2 The DNP will keep records of inspections and maintenance for public moorings.
- 12.3 All public moorings owned or managed and maintained by the DNP will be listed on the Parks Australia website, detailing GPS locations and conditions of use.

13. Use of public moorings

- 13.1 Access to a public mooring is available on either a first come basis or through a booking system. Information on available public moorings for particular marine parks is available on the Parks Australia website. Where a mooring booking system is not in place it will be considered if demand exceeds availability.
- 13.2 Public moorings must only be used in accordance with the maximum capacity rating or conditions stated for the individual mooring, including size of vessel, maximum wind speed and duration restrictions. Information on specifications for available public moorings is available on the Parks Australia website.
- 13.3 A moored vessel cannot tender another vessel, other than its own.
- 13.4 A moored vessel must be attended at all times when attached to a public mooring.
- 13.5 The DNP can allocate public moorings to be dedicated to a particular user or group of users for a given period of time or event. Where arrangements are in place for dedicated use of public moorings, the DNP will provide details on the Parks Australia website.
- 13.6 The DNP may charge a fee for using public moorings in an Australian Marine Park.