

MPA Public Mooring	means a mooring installed, operated and maintained by or on behalf of the MPA for public use.
MPA Leased Mooring	means a mooring that is installed by the MPA but has been leased to an individual, group, business, cooperative or consortium with specific conditions of use (potentially exclusive use) on a cost recovery basis
Zoning Plan	Zoning plan - means a zoning plan for a marine park, as set out in Parts 2–7 of the Marine Parks (Zoning Plans) Regulation 1999.

POLICY DETAILS

1.0 General

- 1.1 The MPA may install public moorings in a marine park where there is a need to prevent damage caused by anchors while continuing to provide for equitable public access and enjoyment.
- 1.2 The MPA will not install or maintain a public mooring for use by an individual or single user group.
- 1.3 Where an individual or single user group demand exists and there is a continuing need to prevent environmental harm from the effects of anchoring an application for a mooring permit should be made to NSW Maritime.
- 1.4 Where the situation detailed in 1.3 above exists and MPA mooring hardware is already in situ, the MPA may lease-out a mooring/s on at least a cost recovery basis (refer 6.6 and 6.7).
- 1.5 The MPA will not generally support the installation of public moorings in offshore areas where on-going vessel anchoring is environmentally acceptable.
- 1.6 Where the MPA installs public moorings, consideration will be given toward excluding anchoring in the surrounding area. If the exclusion of all vessel anchoring is undesirable, consideration will then be given toward the exclusion of anchoring by certain size classes of vessels. These determinations will be made on a park by park and individual site assessment basis.
- 1.7 Where anchoring is to be excluded in accordance with 1.6 above, the prescribed area will be gazetted as a Marine Park Closure under section 20A of the *Marine Parks Act 1997*. These areas may also be incorporated into zoning plan regulations from time to time.

2.0 Planning

2.1 The MPA, in consultation with NSW Maritime may develop *an Anchoring and Mooring Plan* for each marine park. This Plan will relate to MPA owned moorings and marine park anchoring arrangements and will aim to convey information relating to:

- boundaries of mooring areas (including a map of mooring locations);
- the capacity / number of moorings at each mooring site;
- mooring design and conditions of use (including time restrictions);
- no anchoring and restricted anchoring areas;
- any applicable fees or charges.

Note that anchoring arrangements are normally defined by the Zoning Plan, however this plan aims to give comprehensive information regarding anchoring restrictions in the marine park as well as MPA mooring locations and associated rules that apply for MPA mooring access. Any new anchoring arrangements determined in this Plan will be gazetted by Marine Park Notification and consideration will be given to including in a future Zoning Plan following a review.

3.0 Assessment of environmental factors and approvals for MPA public moorings

3.1 A Review of Environmental Factors will be conducted for all moorings installed by the MPA. This may be undertaken collectively as part of the Anchoring and Public Mooring Plan or by each Marine Park.

3.2 Moorings installed and operated by the MPA will require a mooring licence issued by NSW Maritime (or the Lord Howe Island Board in respect to Lord Howe Island Marine Park moorings).

3.3 Any proposal for additional moorings (not included in the Anchoring and Public Mooring Plan) will be agreed between NSW Maritime and MPA before any further action.

4.0 Standards for MPA public moorings

4.1 Where practicable MPA moorings:

- will be a standard shape, size, colour and material as determined by NSW Maritime;
 - public moorings buoys are PINK
 - commercial mooring buoys are RED
 - mooring buoys for exclusive MPA vessel use are BLUE
- will have standard classes of structural capacity (consistent with National guidelines once finalised); and
- will have standard conditions of use unless otherwise stated.

5.0 Installation and maintenance

5.1 Public moorings are to be designed and certified by a suitably qualified engineer or naval architect in accordance with Australian Standards or other accepted interim design parameters.

5.2 A standard maintenance protocol for MPA public moorings will be prepared.

5.3 The above protocol will address the following:

- standard record keeping of all mooring inspections and maintenance;
- obligatory minimum visual inspections of surface mooring tackle at 3 monthly intervals, and clean surface tackle /tag.
- minimum 6 monthly underwater clean and inspections of all mooring components;
- maintenance checks to be undertaken including checking the permissible degree of wear for each component,
- mandatory replacement of specified components
- OH&S considerations, including training and occupational diving and snorkeling requirements, will be required where maintenance is undertaken by MPA staff..

5.4 Each Marine Park will maintain a Public Moorings Maintenance Register, linked to DECCW's Asset Maintenance System, detailing;

- A detailed description of each public mooring, including design and location,
- Generic maintenance requirements taken from the 'protocol' in 5.3 above,
- Any additional maintenance requirements of a specific mooring(s),
- Inspection regime
- Inspection log
- Maintenance log

6.0 Use of MPA public moorings

6.1 MPA public moorings are available on a first come, first served basis unless otherwise stated.

6.2 MPA public moorings can only be used in accordance with the limits or conditions stated on individual mooring buoys (or mooring tag) and in accordance with Marine

Park and Zoning Plan Regulations (see Attachment A - Extract of relevant regulatory provisions).

- 6.3 Conditions of use will also be documented on the MPA web site, in marine park recreational user guides, the MPA Anchoring and Mooring Plan and in Maritime Notices.
- 6.4 The MPA may determine to enable some public moorings (for a given period of time or event) to be dedicated to a particular user or group of users (e.g., through a leasing arrangement).
- 6.5 Where the above arrangements (6.4) are in place for dedicated use of MPA public moorings, details will be posted at local marine park offices and notified on the MPA web site.
- 6.6 If a MPA mooring is granted/leased to a particular, user group, business, or organisation (6.4) for any period in excess of 7 days the mooring buoy will be changed to reflect commercial (red) usage.
- 6.7 If a MPA public mooring is granted/leased to a particular user group, business, or organisation (6.4) for any period in excess of 12 months consideration must be given to permanent disposal of the asset. This in turn would require the new owner to apply for a mooring permit by NSW Maritime. The MPA would generally only consider retaining the mooring if it was required for usage by multiple user groups or individuals.

7.0 Use fees for MPA public moorings

- 7.1 Section 17(i) of the *Marine Parks Act 1997* allows for the prescribing of fees payable in respect of the use of a marine park, or carrying out of any activity within a marine park.
- 7.2 The MPA may therefore determine to recover costs (in part or fully) associated with the installation, maintenance and management of MPA public moorings through permit fees, lease fees or other charges.
- 7.3 The MPA may, as deemed appropriate, also encourage voluntary user donations, in kind agreements, or sponsorship arrangements.

8.0 Moorings register

- 8.1 The MPA will maintain a central public register of MPA public moorings, including their location (DGPS points) in marine parks. The register will be made available to the Australian Hydrographic Office for chart updating.

9.0 Mooring relocation and removal

- 9.1 MPA public moorings will, from time to time, be removed for maintenance purposes.
- 9.2 MPA moorings may be installed in some areas only during peak use periods, and removed for the remainder of the year.
- 9.3 The MPA may remove (or relocate) a MPA public mooring if it is determined to be causing inadvertent and negative impacts on species or habitats, or likely to create an environmental hazard, impacting on use and enjoyment of the marine park, or during development or review of a mooring site plan.
- 9.4 Where the MPA removes or relocates a MPA public mooring this information will be updated on the MPA web site and on the MPA Moorings register.

Approved by
NSW Marine Parks Authority
Date: 30/11/2009

Attachment A - RELEVANT MARINE PARK LEGISLATIVE AND REGULATORY PROVISIONS

Provision	Description	Penalty
MP Act 1997 s. 17B	Allows for regulations to be made in relation to where vessels may be moored or anchored within marine parks	N/A
MP Act 1997 s. 20A	Allows for the prohibition by notification, (known as a Marine Park Closure) of the carrying out of a specified activity in or part of a marine.	1,000 penalty units Schedule 2 PIN - \$500
Marine Parks (Zoning Plans) Regulation 1999 cl. 1.14(1)	Vessels in sanctuary zone only permitted to moor in designated mooring areas or on designated moorings. <u>Note</u> that 1.14(2) allows vessels to anchor or moor in a sanctuary zone in the case of an emergency	100 penalty units Schedule 2 PIN - \$500
Marine Parks (Zoning Plans) Regulation 1999 cl. 1.15	A person must not take, or attempt to take, fish from a mooring, or a vessel attached to a mooring, in the sanctuary zone of a marine park.	100 penalty units Schedule 2 PIN \$ 500
Marine Parks (Zoning Plans) Regulation 1999 cl. 1.26(1)	A person must not, except with the consent of the relevant Ministers remove, move, damage or interfere with a mooring in a marine park (being a mooring that is provided by or on behalf of the Authority), or place any mooring, in a marine park (unless the placement is authorised by an occupation licence or other authorisation issued under the Maritime Services Act 1935), or damage, deface or interfere with any property or facility in a marine park (being any property or facility that is owned, managed or operated by the Authority),	100 penalty units Schedule 2 PIN - \$300
Marine Parks (Zoning Plans) Regulation 1999 cl. 1.26(2) (3)	A person must not contravene the conditions of use displayed on a mooring in a marine park that is provided by or on behalf of the Authority. A person must not attach a vessel to another vessel that is attached to a mooring in a marine park that is provided by or on behalf of the Authority. Note: that it is not an offence to attach to a vessel the vessel's tender.	100 penalty units Schedule 2 PIN - \$300
Marine Parks (Zoning Plans) Regulation 1999 cl. 1.35	The use, mooring and anchoring of vessels, motorised vehicles and motorised equipment is permitted in a marine park, but only in accordance with the zoning plan for the marine park. A person must not, except with the consent of the relevant Ministers, use, moor or anchor any vessel, motorised vehicle or motorised equipment in a marine park in contravention of the zoning plan for the marine park.	50 penalty units. Schedule 2 PIN - \$500
Marine Parks (Zoning	A person must not attach a vessel, for a	100 penalty

Plans) Regulation 1999 cl. 1.38 (1) (b)	period of more than 12 hours, to a mooring or other facility in a marine park that is owned or managed by the Authority	units Schedule 2 PIN - \$200
Marine Parks Regulation 2009 cl. 13	The holder of a permit who contravenes any condition of the permit is guilty of an offence.	Schedule 2 PIN - \$500
Marine Parks Regulation 2009 cl. 21	A marine park ranger may remove a person from marine park or part of a marine park if in the opinion of the ranger that an offence under the Act or Regulation is or likely to be committed.	50 penalty units Schedule 2 PIN - \$200
Marine Parks (Zoning Plans) Regulation 1999 cl. 3.27 JBMP Zoning Plan	A person must not anchor a vessel within a sanctuary zone in the marine park, except in a designated anchoring area described in the zoning plan. A person must not moor a vessel at a mooring owned by the Authority for more than 24 hours. Note. Subclause (3) applies despite clause 1.38 (1) (b) of the Marine Parks (Zoning Plans) Regulation which provides that a person must not attach a vessel, for a period of more than 12 hours,	100 penalty units Schedule 2 PIN - \$200
Marine Parks (Zoning Plans) Regulation 1999 cl. 4.2 LHIMP Zoning Plan	A person must not occupy or use a mooring in the marine park that is provided by the Authority except with the consent of the relevant Ministers. This clause applies despite clause 1.38 (1) (b) of the Marine Parks (Zoning Plans) Regulation which provides that a person must not attach a vessel, for a period of more than 12 hours, to a mooring or other facility in a marine park that is owned or managed by the Authority.	100 penalty units Schedule 2 PIN - \$200