

Commercial Mooring Licence Conditions

Failure to comply may result in the cancellation of your mooring licence and/or any liability insurance may be rendered null and void.

The Mooring

The licensee must ensure that:

- The mooring apparatus and/or equipment must be suitable to secure the vessel safely in all conditions.
- The mooring apparatus must be kept in good condition and be serviced every 12 months or more frequently if subject to specific mooring conditions. It is strongly recommended that it be serviced by a professional mooring contractor. Proof of mooring service must be produced on request. Transport for NSW will randomly require documentary proof of mooring service.
- Swing/fore & aft (non-pole/post) moorings must display the Commercial Mooring Licence (CL####) number in black characters at least 50mm in height. The buoy/s must be red/orange in colour and clearly visible at all times.
- Pole/post moorings must display the Commercial Mooring Licence (CL####) number on the pole/post, in black characters on a white background at least 100mm in height.
- Commercial mooring licences with multiple sites must also identify each site with sequential numbers e.g. CL####.01, CL####.02.
- The mooring may only be used in accordance with the licence categories in which it has been issued.

The vessel on a commercial mooring

The licensee must ensure that:

- Only one vessel is to be attached to each mooring (unless written approval is given by TfNSW).
- Only the licensed vessel may be attached to or placed between the posts, unless otherwise authorised in writing by TfNSW.
- The following types of floating objects are not permitted to be attached to a mooring unless prior written approval has been granted by TfNSW:
 - Pontoons
 - Air docks
 - Floating docks
 - Other objects or apparatus that do not meet the definition of “vessel” in the marine legislation.
- The vessel must be registered under the Marine Safety Act 1998 (NSW) or covered by a Certificate of Operation issued under the Marine Safety (Domestic Commercial Vessel) National Law Act 2012 unless exempt.
- The vessel must clearly display appropriately-sized registration numbers or a Unique Vessel Identifier at all times.
- The vessel must not exceed the size specified by TfNSW.
- The vessel must not be subject to construction or repair work to the vessel that may cause pollution, annoyance or contravention of any State or Local Environment Plan implemented under NSW planning legislation. Any proposed construction or repair work must be submitted to TfNSW for assessment and approval prior to works commencing.
- The vessel must be visually suitable and aesthetically consistent with the environment and surroundings of the mooring area.
- The vessel must not be attached to the shore by any means without the written approval of TfNSW.

- The vessel must only occupy the mooring in accordance with the approved purpose of the mooring licence.
- The vessel must not have any power, water, sewerage or facilities connected to it from the land.
- The vessel must be maintained in a safe and seaworthy condition.
- The vessel must not be allowed to accumulate excessive marine growth on the hull.
- It is strictly prohibited to live on-board or use a vessel as a residence of any kind while attached to a licensed mooring.
- The licensee must not offer, attempt to invite an offer for, or authorise the use of a vessel on a licensed mooring for the purposes of short-term rental accommodation in return for money or some other benefit unless prior written approval has been granted by TfNSW.
- A mooring site subject to a commercial mooring licence must be used in accordance with any specific purpose and must use any specific type of mooring apparatus specified in the mooring licence.
- Other types of mooring apparatus (e.g. multi-vessel apparatus) may only be installed with written approval from TfNSW.
- The mooring licensee is responsible for the mooring apparatus and the vessel at all times. It is strongly recommended that the mooring licensee hold adequate insurance to cover any contingency. TfNSW bears no responsibility for any liability arising through use of the mooring.
- The mooring licensee must notify TfNSW of any proposed change to the licence details at least 7 days before the change. Failure to do so is an offence (Clause 33 Ports and Maritime Administration Regulation 2021).

Important Information

- Commercial mooring licenses may only be issued to:
 - A legal entity or person approved by TfNSW trading as a business to provide marine services to the boating public. (e.g. boat repair, marina, commercial fishing, charter vessel, boat brokerage, mooring contractor); and
 - Any other type of business which cannot be accessed by means other than the water (i.e. no direct land access).
- Commercial moorings may only be sub-let if associated with a marina/boatshed/club -i.e. premises consisting of one or more moorings, pontoons, jetties, piers or other structures (whether water-based or land-based), and designed to provide:
 - Accommodation for, or means of securing vessels;
 - A slipway, or some other means of taking vessel out of the water; and
 - One or more of the following (or similar) services for vessels:
 - › shipwright service;
 - › sewage pump-out facilities;
 - › dinghy/tender storage;
 - › fuel;
 - › engineering service;
 - › mechanical repair service;
 - › tender service; and
 - › provisioning services.
- By use of a licensed mooring, the mooring licensee accepts that the mooring site is suitable for the licensed vessel, with specific regard to sea room and water depth. TfNSW bears no responsibility or liability regarding the mooring site and it is strongly recommended that a professional mooring contractor be consulted in this regard.
- Mooring fees are payable until TfNSW is notified in writing of any cancellation of the mooring licence, or the vessel/ mooring apparatus is removed, whichever is later.
- Mooring fees are to be paid on or before “the pay by date”.
- No more than the maximum number of mooring sites specified by the Commercial Mooring Licence may be in the water.
- The mooring licence may be transferable on sale of the business, subject to TfNSW, and any other statutory approval that may be necessary.
- TfNSW may impose additional conditions to be met by a Commercial Mooring Licensee.
- TfNSW may cancel your mooring licence on any of the following grounds:
 - Offensive noise
 - Pollution
 - Offences against the marine legislation
 - Non-payment of fees
 - Non-compliance with statutory notices
 - The public interest
 - Breach of mooring licence conditions (including use of a moored vessel as a residence)
 - Any other reason prescribed by regulation (Clause 31 Ports and Maritime Administration Regulation 2021).

Removal of Mooring Apparatus

- The former mooring licensee* must ensure that any mooring apparatus and/or equipment has been removed from the water within 7 days of Commercial Mooring Licence cancellation, unless otherwise agreed with TfNSW.
- Failure to remove the mooring apparatus and/or equipment may result in TfNSW arranging removal. Any costs associated with the removal of the mooring apparatus and/or equipment will be recoverable against the former mooring licensee.

* *Former mooring licensee* means the licensee as at the date of the cancellation of the Commercial Mooring Licence.

Remember, failure to comply with any licensed condition may lead to cancellation of a commercial mooring licence.

For further information please contact TfNSW on **13 12 36** (8.30am to 5.00pm Mon to Fri and 8.30am to 4.30pm weekends) or visit our website roads-waterways.transport.nsw.gov.au