

Mooring Licences

Council Policy Number	186
Date adopted	17 August 2022
Scheduled for review	16 August 2023



1. Preamble

Campaspe Shire Council (Council) manages a large number of Commercial and Private Moorings within the Bridge-to-Bridge Precinct. This policy provides direction for Council officers in the administration and management of the mooring licences in accordance with an approved set of principles for new and existing moorings.

2. Purpose

To provide transparent, consistent, and impartial processes when sub-licensing moorings on Council managed land. Ensure compliance with legislative requirements. Maximise community return on investment in mooring infrastructure that is used for a mix of commercial or private purposes in the Bridge-to-Bridge Precinct.

3. Definitions

Bridge to Bridge Precinct	Defined as the area of NSW Crown Land Council manage, bounded by the old (Meninya Street) bridge downstream to the new (Cobb Highway) bridge located at Victoria Park boat ramp and as depicted in the attached Head Licence plan. The precinct also includes the Crown Land located in Victoria, where Council is the appointed Crown Land Administrator, which portion of land provides access to mooring sites.
Commercial Mooring	The operation of a business from a mooring site, regardless of the type of vessel moored. Annual rental charged at a minimum market rate, in accordance with commercial market valuation.
DELWP	Department of Environment, Land, Water and Planning
DPE	Department of Planning and Environment (NSW)
Head Licence	Council hold a head licence with DPE for the Bridge-to-Bridge Precinct, allowing the management and granting of the land under sub-licence by Council.
Historic Craft	A vessel that provides heritage aesthetics that does not detract from the historic atmosphere of the precinct.
Licensed Valuer	A person who holds qualifications and experience specified under section 13DA (2) of the Valuation of Land Act 1960.
Market Valuation	A market rent determined by a Licensed Valuer for annual rental of mooring site. The valuation is to be no more than 6 months old as at the commencement date of the sub-licence. The valuation will be assessed on the area in use, inclusive of any infrastructure and the area occupied by the vessel/s.
Mooring	A place where a vessel can be fixed securely in a particular place by cables, anchors or lines.
Private Mooring	A private vessel for recreation or personal use, not used in the operation or advancement of any business. Annual rental charged at a nominal rate in accordance with Council annual Schedule of Fees and Charges.

Site Specific	A specific mooring location/s, managed by Council in the Bridge-to-Bridge Precinct.
Sub-Licence	A legal agreement issued for the mooring of vessels in the Bridge-to-Bridge Precinct by Council with boat owners for allocated mooring sites.
Temporary Mooring	A period defined from 1 day up to 3 months, where a vessel can be fixed securely in a particular place by cables, anchors or lines.
TfNSW	Transport for New South Wales

4. Policy Statement

This policy is applicable to Council managed moorings where Council act as Head Licensee of the Crown Land from New South Wales Department of Planning and Environment (DPE).

4.1. Vacant Moorings

Where Council deems a mooring site vacant and available for commercial or private use, Council will undertake an Expression of Interest (EOI) for Mooring Licences, in accordance with Procurement Principles of Council Policy 126, Council Procurement Manual, Mooring Licences Policy, Council's head licence agreement and take into consideration DPE Licensing of Crown Lands Guidelines. The mix of vessel types for permanent moorings will be considered in accordance with Councils Mooring Precinct Plan.

Commercial Moorings

A set standard of criteria applies in setting and evaluating new Commercial mooring expression of interest. The criteria will include as a minimum:

- a) Precinct benefit incorporating the vision and strategic objectives of the precinct
- b) Registered vessel
- c) Protection of natural environment
- d) financial offer (market valuation set by a Licensed Valuer to apply as a minimum rate)

An evaluation panel will be formed to assess expressions of interest to licence moorings to registered vessels within the Bridge-to-Bridge Precinct. The panel will comprise of a minimum of three individuals with one externally appointed panel member. Expressions of Interest will be presented to Council to award a preferred applicant.

Private Moorings

A two-stage process will be required to assess and allocate successful applicants for private moorings.

Stage 1

A set standard of criteria applies in setting and evaluating new Private mooring expressions of interest. The criteria will include as a minimum:

- a) Registered vessel
- b) Protection of natural environment

An evaluation panel will be formed to assess expressions of interest to licence private moorings to registered vessels within the Bridge-to-Bridge Precinct. The panel will comprise of a minimum of three individuals to assess applicants for shortlisting to stage two if all assessable criteria are met.

All applicants meeting the criteria of Stage One will progress to Stage Two.

Stage 2

Stage two is a ballot for final selection and allocation of the vacant mooring location.

A ballot will be undertaken with all the applicants qualified at stage one of the process. The ballot will be held at Council offices and undertaken by Council's Manager Governance with a minimum of two witnesses to the drawing of winning applicant.

All applicants will be notified in writing of the outcome.

The same EOI and ballot process will be undertaken each and every time a vacant mooring arises. Applicants will be required to submit a new application on each occasion.

Notification List

Council will keep a notification list of parties who express interest in obtaining a mooring sub-licence. If a mooring becomes available and open to a public EOI, Council will notify the parties registered on the notification list seven days prior to the EOI close date.

4.2. Temporary Moorings

From time to time a temporary mooring of a vessel may be necessary for emergency or short term (up to three months) stays in the precinct. The application for a temporary mooring site can be made through application to Council's Executive Director. Applicable fees and charges will apply for the duration of the mooring on a pro-rata basis.

4.3. Transfer of Moorings

Existing Licence holders of a sub-licence may make application to revoke and transfer their sub-licence agreement held with Council. The applicant is required to complete the application form to revoke and request new sub-licence. Council will not unreasonably withhold consent, although have discretion to justifiably approve and decline new applications. Council may request additional information on the proposed new applicant, when considering the new applicant. Relevant fees and charges applicable to the request must be paid on submission.

5. Amendment of Mooring Agreement

Existing Licence holders of a sub-licence may make an application for an amendment of a sub-licence in some circumstances. Amendments will only be allowed where the proposed amendment relates to:

- A reduction in the area of the licence
- The addition or removal of a term or condition of the licence, provided that the action has no great impact or usage of the land.
- Change in type of mooring (Commercial or Private)
- Change in registered vessel

An application to change the type of existing mooring held can be considered by Council on an individual basis. A private operator may apply to upgrade an existing mooring to a Commercial Mooring, and a commercial operator may apply to change their existing mooring to a Private Mooring. Operators may apply to change the registered vessel moored and associated with the sub-licence agreement.

Approval is not automatically granted by Council and each application will be considered individually on its merits, taking into consideration the mooring location, mix and type of vessels, businesses, precinct benefit incorporating the vision and strategic objectives of the precinct, and Infrastructure. If an application to change the status is approved by Council a new licence application form and fee will be payable to generate the change in the type of sub-licence and issuing of the new agreement. If a change of registered vessel is approved keeping the same mooring type, an application form and fee will be payable to generate the change in the registered vessel associated with the mooring.

6. Termination of Mooring

Sub-licences may be terminated by Council or will be considered by Council upon request of the licensee. Reasons that Council may terminate a licence include:

- The licensee has failed to comply with the conditions of the licence
- A native title consent determination, Aboriginal land claim Aboriginal land agreement or Indigenous land use agreement or Indigenous land use agreement

Written statutory declaration requesting termination and vacation of a mooring site must be made to Council by the sub-licence holder to process and close the licence out and cease any applicable charges relating to the sub-licence.

7. Fees and Charges

Mooring fees and charges will apply in accordance with Council’s adopted annual Schedule of Fees and Charges, and in accordance with the terms and conditions of individual sub-licence agreements.

8. Exclusions

Vehicular access to mooring locations is not provided by Council in accordance with the individual sub-licence agreements.

This policy does not cover a site-specific resolution of Council.

9. Human Rights

This policy has considered and complies with the Human Rights and Responsibilities contained in the Victorian Charter of *Human Rights and Responsibilities Act 2006*.

10. Related Legislation

- Local Government Act 2020 (VIC)*
- Crown Land Management Act 2016 (NSW)*
- Crown Land (Reserves) Act 1978 (VIC)*
- Valuation of Land Act 1960 (VIC)*
- Environmental Planning & Assessment Act 1979 (NSW)*
- Ports and Maritime Administration Act 1995 (NSW)*
- Ports and Maritime Regulation 2021(NSW)*

11. Related Policies, Procedures and Strategies

- Policy 148 Revenue Debt Collection
- Policy 59 Community Engagement

12. Attachments

- Plan of Head Licence Area (NSW Land) managed by Council
- Mooring Precinct Plan

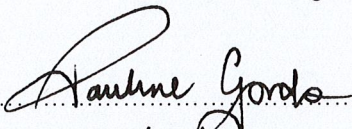
Review Period	Responsible officer
Annually	Property Manager

13. Administrative Updates

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter the policy, such a change may be made administratively. Examples include a change to the name of a Council department, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be by resolution of Council.

14. Approval History

Version 1 Adopted 17/8/2022 Council meeting minutes reference Item 9.4

Chief Executive Officer: 

Date: 