

APPLICATION FOR AN AQUATIC LICENCE

1. IMPORTANT:

Applications must be submitted a **minimum of 6 weeks** prior to the event date, or the application may be refused. For more information on Aquatic Licences visit rms.nsw.gov.au/maritime or contact us on 13 12 36.

NOTE: Larger and more complex events may require significantly more time than 6 weeks to assess. Applicants should contact Roads and Maritime on 13 12 36 as early as possible to discuss their application where this may apply.

Please ensure the application form is complete and that you supply all of the following items with your application:

- Full details of the event type, location, date(s), times and number of vessels involved
- A detailed map of the location showing areas of operation
- Exclusive use requirements (if applicable)
- An Aquatic Activity Operational Plan detailing safety procedures, rescue craft, qualified personnel in attendance, communications procedures, a risk register and a risk management plan acceptable to Roads and Maritime (a template Aquatic Activity Operational Plan is available at rms.nsw.gov.au)
- Evidence of community and stakeholder consultation appropriate to the type, scale and location of the aquatic activity (this will be assessed by Roads and Maritime) (refer to page 3 "Consultation and other relevant approvals")
- Evidence of affiliation with, and sanction of, the Australian Power Boat Association (APBA) or evidence that the event will be conducted in accordance with safety and technical standards equivalent to or higher than the APBA rules (power boat races only)
- Evidence of affiliation with, and sanction of, Ski Racing Australia (SRA) or evidence that the event will be conducted in accordance with safety and technical standards equivalent to or higher than the SRA rules (water ski events only)
- A copy of the WorkCover Risk Assessment (fireworks events only)
- Proof of identity for the individual applicant or nominated representative of the organisation
- Proof of identity for the organisation / company to prove legal status. For a list of examples visit: rms.nsw.gov.au/maritime/licence/poi Please note that an Aquatic Licence cannot be issued to a business name (registered with an ABN) as this is not a legal entity
- Written authorisation for any nominated representative acting on behalf of an organisation on that organisation's letterhead
- Evidence of not-for-profit status (if applicable)
- Roads and Maritime will contact you regarding payment options once your application has been assessed.

NOTE: Roads and Maritime may request additional documentation during assessment of the application, such as a noise assessment report or environmental assessment report.

2. APPLICATION AS AN INDIVIDUAL

(Proof of identity required)

Surname (BLOCK letters)

Given names

Gender Male Female Date of birth/...../.....

Business/trading name (if applying as a sole trader or unincorporated business)

ABN

Residential/business address *(PO Box No. is not acceptable – application will not be processed unless residential/business address is supplied)*

Suburb State P/code

Postal address *(If same as residential/business please write "as above")*

Suburb State P/code

Telephone

Private () Business ()

Mobile () Fax ()

E-mail

3. APPLICATION ON BEHALF OF AN ORGANISATION

(Evidence of legal status required)

Organisation Name (Legal entity name only) (BLOCK letters)

ACN

ARBN (Foreign company)

Organisation Address *(PO Box No. is not acceptable – application will not be processed unless residential/business address is supplied)*

Suburb State P/code

Postal address *(If same as residential/business please write "as above")*

Telephone ()

E-mail

NOMINATED REPRESENTATIVE OF THE ORGANISATION

(Proof of Identity and written authorisation on organisation's letterhead required)

Surname (BLOCK letters)

Given names

Position held Date of birth/...../.....

Address

Suburb State P/code

Telephone

Private () Mobile ()

4. AQUATIC EVENT/ACTIVITY (detailed map of the area must be supplied)

Type of activity

Area of operation (waterway)

Location (specific area)

Dates (also complete attached calendar) Times Maximum no. of participants/vessels

Start/...../..... Earliest start :am/pm

Finish/...../..... Latest finish :am/pm

Do you require EXCLUSIVE USE of the waterway? (refer to section 13 "Exclusive Use")

- No (the applicant understands other vessels may operate in the same area)
- Yes (please attach supporting documentation to justify this) (Additional fees may be payable, payment of a Waterway Access fee, publication of a Marine Notice or Roads and Maritime officer attendance fees.) (note: Roads and Maritime may, for safety reasons, deem the event/activity requires exclusive use in which case additional fees may apply)

Is any construction, structures or buoys to be used for the activity?

- No
- Yes (If Yes, please specify).....

Are you applying for a non - commercial Aquatic Licence? (refer to section 12 "Applying for a concession")?

- No
- Yes

Do you intend to use any foreshore land in conjunction with this event/activity?

- No
- Yes (please supply written authorisation from the occupier or trustee of any foreshore land intended to be used in connection with the proposed activity)

For fireworks, do you have any objection to the public being notified?

- No
- Yes (if Yes please state reasons (Note: the public may be notified regardless of the applicant's wishes where deemed appropriate or necessary by Roads and Maritime))
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5. PROPOSED EVENT TIMETABLE (please circle event days)

2016			
	JANUARY	FEBRUARY	MARCH
M	4 11 18 25	1 8 15 22 29	7 14 21 28
T	5 12 19 26	2 9 16 23	1 8 15 22 29
W	6 13 20 27	3 10 17 24	2 9 16 23 30
T	7 14 21 28	4 11 18 25	3 10 17 24 31
F	1 8 15 22 29	5 12 19 26	4 11 18 25
S	2 9 16 23 30	6 13 20 27	5 12 19 26
S	3 10 17 24 31	7 14 21 28	6 13 20 27
	MAY	JUNE	JULY
M	30 2 9 16 23	6 13 20 27	4 11 18 25
T	31 3 10 17 24	7 14 21 28	5 12 19 26
W	4 11 18 25	1 8 15 22 29	6 13 20 27
T	5 12 19 26	2 9 16 23 30	7 14 21 28
F	6 13 20 27	3 10 17 24	1 8 15 22 29
S	7 14 21 28	4 11 18 25	2 9 16 23 30
S	1 8 15 22 29	5 12 19 26	3 10 17 24 31
	SEPTEMBER	OCTOBER	NOVEMBER
M	5 12 19 26	31 3 10 17 24	7 14 21 28
T	6 13 20 27	4 11 18 25	1 8 15 22 29
W	7 14 21 28	5 12 19 26	2 9 16 23 30
T	1 8 15 22 29	6 13 20 27	3 10 17 24
F	2 9 16 23 30	7 14 21 28	4 11 18 25
S	3 10 17 24	1 8 15 22 29	5 12 19 26
S	4 11 18 25	2 9 16 23 30	6 13 20 27

2017			
	JANUARY	FEBRUARY	MARCH
M	30 2 9 16 23	6 13 20 27	6 13 20 27
T	31 3 10 17 24	7 14 21 28	7 14 21 28
W	4 11 18 25	1 8 15 22	1 8 15 22 29
T	5 12 19 26	2 9 16 23	2 9 16 23 30
F	6 13 20 27	3 10 17 24	3 10 17 24 31
S	7 14 21 28	4 11 18 25	4 11 18 25
S	1 8 15 22 29	5 12 19 26	5 12 19 26
	MAY	JUNE	JULY
M	1 8 15 22 29	5 12 19 26	31 3 10 17 24
T	2 9 16 23 30	6 13 20 27	4 11 18 25
W	3 10 17 24 31	7 14 21 28	5 12 19 26
T	4 11 18 25	1 8 15 22 29	6 13 20 27
F	5 12 19 26	2 9 16 23 30	7 14 21 28
S	6 13 20 27	3 10 17 24	1 8 15 22 29
S	7 14 21 28	4 11 18 25	2 9 16 23 30
	SEPTEMBER	OCTOBER	NOVEMBER
M	4 11 18 25	30 2 9 16 23	6 13 20 27
T	5 12 19 26	31 3 10 17 24	7 14 21 28
W	6 13 20 27	4 11 18 25	1 8 15 22 29
T	7 14 21 28	5 12 19 26	2 9 16 23 30
F	1 8 15 22 29	6 13 20 27	3 10 17 24
S	2 9 16 23 30	7 14 21 28	4 11 18 25
S	3 10 17 24	1 8 15 22 29	5 12 19 26

2018			
	JANUARY	FEBRUARY	MARCH
M	1 8 15 22 29	5 12 19 26	5 12 19 26
T	2 9 16 23 30	6 13 20 27	6 13 20 27
W	3 10 17 24 31	7 14 21 28	7 14 21 28
T	4 11 18 25	1 8 15 22	1 8 15 22 29
F	5 12 19 26	2 9 16 23	2 9 16 23 30
S	6 13 20 27	3 10 17 24	3 10 17 24 31
S	7 14 21 28	4 11 18 25	4 11 18 25
	MAY	JUNE	JULY
M	7 14 21 28	4 11 18 25	30 2 9 16 23
T	1 8 15 22 29	5 12 19 26	31 3 10 17 24
W	2 9 16 23 30	6 13 20 27	4 11 18 25
T	3 10 17 24 31	7 14 21 28	5 12 19 26
F	4 11 18 25	1 8 15 22 29	6 13 20 27
S	5 12 19 26	2 9 16 23 30	7 14 21 28
S	6 13 20 27	3 10 17 24	1 8 15 22 29
	SEPTEMBER	OCTOBER	NOVEMBER
M	3 10 17 24	1 8 15 22 29	5 12 19 26
T	4 11 18 25	2 9 16 23 30	6 13 20 27
W	5 12 19 26	3 10 17 24 31	7 14 21 28
T	6 13 20 27	4 11 18 25	1 8 15 22 29
F	7 14 21 28	5 12 19 26	2 9 16 23 30
S	1 8 15 22 29	6 13 20 27	3 10 17 24
S	2 9 16 23 30	7 14 21 28	4 11 18 25

2019			
	JANUARY	FEBRUARY	MARCH
M	7 14 21 28	4 11 18 25	4 11 18 25
T	1 8 15 22 29	5 12 19 26	5 12 19 26
W	2 9 16 23 30	6 13 20 27	6 13 20 27
T	3 10 17 24 31	7 14 21 28	7 14 21 28
F	4 11 18 25	1 8 15 22	1 8 15 22 29
S	5 12 19 26	2 9 16 23	2 9 16 23 30
S	6 13 20 27	3 10 17 24	3 10 17 24 31
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M	6 13 20 27	3 10 17 24	1 8 15 22 29
T	7 14 21 28	4 11 18 25	2 9 16 23 30
W	1 8 15 22 29	5 12 19 26	3 10 17 24 31
T	2 9 16 23 30	6 13 20 27	4 11 18 25
F	3 10 17 24 31	7 14 21 28	5 12 19 26
S	4 11 18 25	1 8 15 22 29	6 13 20 27
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T	5 12 19 26	3 10 17 24 31	7 14 21 28
F	6 13 20 27	4 11 18 25	1 8 15 22 29
S	7 14 21 28	5 12 19 26	2 9 16 23 30
S	1 8 15 22 29	6 13 20 27	3 10 17 24

6. CONTACT DETAILS during the event (if different from nominated representative)

Full Name Telephone ().....
Position held Mobile ().....

7. LANDOWNERS CONSENT AND OTHER AGENCY APPROVALS

All required approvals must be obtained as a condition of an Aquatic Licence and failure to do so may result in the cancellation of an Aquatic Licence.

8. CONSULTATION AND OTHER RELEVANT APPROVALS

Appropriate community and stakeholder consultation must be conducted before any Aquatic Licence will be granted. Where the applicant or their agent has not provided evidence of consultation acceptable to Roads and Maritime, further consultation may be conducted by Roads and Maritime. Where an application relates to a complex or large-scale event or other activity requiring extensive consultation and consideration, the proponent should liaise with Roads and Maritime well ahead of the proposed event date (up to 12 months in some circumstances). Roads and Maritime may refuse to accept an Aquatic Licence application or refuse to grant an Aquatic Licence where insufficient time has been allowed for appropriate assessment and community engagement, or where insufficient information has been provided.

NOTE: Roads and Maritime may, for purposes of community engagement or information gathering, publish or release relevant details of any Aquatic Licence application.

All required approvals from Local Councils and other agencies must be obtained as a condition of an Aquatic Licence and failure to do so may result in the cancellation of your Aquatic Licence.

9. INSURANCE REQUIREMENTS

An Aquatic Licence is issued on the basis that the Licensee expressly and unreservedly indemnifies Roads and Maritime from all liability associated with the Aquatic Licence Event and releases Roads and Maritime from any actions, of whatsoever nature, that may be instituted in relation to the Event. Acceptance of the Licence constitutes irrevocable acceptance of this condition.

It is a condition of the Licence that the Licensee must clearly advise all participants in the Aquatic Event associated with the Licence whether or not they are covered by the Licensee's insurance should they sustain injury or loss as a result of participating in the Event and provide details of the coverage. This advice must be provided prior to participation in the Event.

Roads and Maritime strongly recommends that all Aquatic Licensees hold a Public Liability Policy that covers the Event. Roads and Maritime may, in certain circumstances, require as a condition of issuing the Licence, that the applicant takes out and maintains a public liability insurance policy, and further, may require that Roads and Maritime be named on the policy as a covered party.

It is also a condition of the licence that a written warning must be given to all participants by the Licensee in relation to the particular risks associated with participating in the Event and a written acknowledgement of these risks must be obtained from the participant. It is recommended the warning and acknowledgement can be included on any Application Form completed by the participant.

10. APPLICANT OR NOMINATED REPRESENTATIVE'S DECLARATION

I declare that I am authorised to act as the nominated representative of the Applicant for the purpose of the Aquatic Licence and that the information supplied is true and complete. I understand that if any detail is found to be incorrect this licence may be cancelled.

I acknowledge that I have read and understood Roads and Maritime Services' brochure available at rms.nsw.gov.au/documents/maritime/proof-of-identity.pdf and agree that my personal information may be disclosed to the persons/agencies listed in the brochure.

Applicant/nominated representative's signature Date/...../.....

11. PROOF OF IDENTITY

This section must be completed by the individual applicant or nominated representative of the organisation. Their proof of identity must be verified by an authorised signatory. Acceptable signatories are any Police Officer, Justice of the Peace, Judge, Magistrate, Bank Manager, Solicitor, School Principal, Roads and Maritime/Service NSW or Government Access Centre officers.

AUTHORISED SIGNATORY'S USE

Full proof of ID: Document name: No.

Primary proof of ID: Document name: No.

Secondary proof of ID: Document name: No.

Organisation's proof of ID: Document name: No.

Authorised signatory's name Date/...../.....

Authorised signatory's signature Name of Agency:

Official
Stamp
(if applicable)

12. GENERAL INFORMATION ON AQUATIC LICENCES

Under the *Marine Safety Act 1998*, Roads and Maritime may regulate organised activities in navigable waters, including:

- A race, competition or exhibition (whether or not involving vessels or equipment) that is conducted, organised or promoted in or on any navigable waters
- Any other activity (whether or not involving vessels or equipment) that is conducted, organised or promoted in or on any navigable waters that restricts the availability of those waters for normal use by the public.

(Continued next page)

Such activities are regulated by Roads and Maritime through the issuing of an Aquatic Licence under the provisions of the Marine Safety Regulation 2016. The requirement for an Aquatic Licence is intended to benefit the community in accordance with the objects of the *Marine Safety Act 1998* by:

- Ensuring the safe operation of vessels in ports and other waterways
- Promoting the responsible operation of vessels in those waters so as to protect the safety and amenity of other users of those waters and the amenity of occupiers of adjoining land.

An Aquatic Licence may only be granted for events of duration of up to 14 days, for longer events please contact Roads and Maritime on 13 12 36 for further information.

An Aquatic Licence may be required for activities such as:

- Aquatic fun days and festivals
- Public entertainment events
- Fireworks displays
- Media launches
- Filming activity on navigable waters
- Training events (such as those conducted by NSW State Emergency Service, Marine Rescue NSW or similar organisations)
- Activities involving the landing of aircraft (other than routine landing of sea planes)
- Any other activity on navigable waters that Roads and Maritime determines may affect the navigation of any trading vessel or restrict normal use of those waters by members of the public on board vessels or cause any risk of danger to vessel operators. Such activities will be considered by Roads and Maritime on a case-by-case basis.

Where events of a similar nature are to be conducted on a regular basis, do not require exclusive use and are of less than 14 days in duration per event, for example regular sailing races conducted by a club, a single Aquatic Licence may be issued that covers a specified period of up to one year.

13. APPLYING FOR CONCESSION

Non-commercial Aquatic Licences will be issued at a reduced fee if the applicant is a not-for-profit organisation.

Applicants must produce one of the following to be eligible:

- Evidence that the organisation is exempt from income tax; or
- An Authority to Fundraise under the Charitable Fundraising Act 1991 issued by the NSW Fair Trading, or
- A stamp duty exemption letter issued by the Office of State Revenue, or
- An endorsement from the Australian Taxation Office (ATO) as an 'income tax exempt charity' or a 'deductible gift recipient charity' or
- A Certificate of Incorporation (for Associated Incorporations), or
- Proof that the event is being organised by or sponsored by a Government Agency (via a letter printed on official letterhead).

14. EXCLUSIVE USE

Roads and Maritime may grant 'exclusive use' of an area of waterway to an applicant for an Aquatic Licence by declaring a special event under Section 12 of the *Marine Safety Act 1998*. Where exclusive use has been granted, a person is not to navigate a vessel in the exclusive use area (other than a vessel involved in the aquatic activity or stipulated in the Aquatic Licence) without the permission of an Authorised Officer or police officer under the Act. An Authorised Officer or police officer may direct a person to cease operating a vessel in contravention of a special event notice.

Under Roads and Maritime policy, any aquatic activity involving water skiing or power driven vessels (other than rescue craft, vessels involved in fishing competitions or vessels conducting a low-speed 'navigational trial') on enclosed waters will be designated an exclusive use special event on safety grounds. Exceptions may be granted due to documented reasons such as remote location, low safety risk or negligible vessel and swimming traffic.

Additionally, Roads and Maritime reserves the right to declare any proposed event an exclusive use special event where this is deemed necessary. Any additional costs in such cases will be borne by the applicant.

Applications for events requiring exclusive use may involve additional costs such as payment of a Waterway Access fee, Roads and Maritime officer attendance fee or the publication of a Marine Notice in local and/or state-wide print media.

15. AQUATIC LICENCE ASSESSMENT, DETERMINATION AND NOTIFICATION

In making a determination to approve, approve with conditions or reject an Aquatic Licence application, Roads and Maritime will consider the public interest, and specifically:

- The safety of persons and property
- The amenity of waterway users, residents, and the public
- The responsible use of the environment
- Any other factors that affect the public interest, such as the impact of an activity on the local community or economy.

Where insufficient information is provided with an application, the assessing officer will ask the proponent to provide further supporting documents or information. If required, Roads and Maritime will carry out its own assessment, seek advice or search for the information. If the proponent does not, or is unable to, provide the additional requested information, the determining officer may determine the application as incomplete.

All applicants will be advised in writing of the outcome of their application. Where approval is granted, any special conditions will be outlined and the licence certificate provided.

Where an application is not approved within 60 days, this constitutes refusal under section 43 of the Act.

Where an application is refused or approved with conditions, the applicant may request an internal review of the determination. Where the original decision is upheld, the applicant may appeal to the NSW Civil and Administrative Tribunal under Section 42 of the Act.

Please return this form to:

Maritime Product Services
Roads and Maritime Services
Locked Bag 5100
Camperdown NSW 1450