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Reference: 015/24 JM

Wednesday, 28 August 2024

The Hon. Jo Haylen, MP
Minister for Transport
GPO Box 5341
SYDNEY NSW 2001
By online form

Dear Minister,

Re: Waterways Fund – priorities for allocation

I write to seek an update on the priorities for environmental outcomes for allocations under the Waterways Fund in the Sydney Region and initiatives under the NSW Marine Estate Management Strategy (MEMS) for which Transport for NSW (TfNSW) is the lead agency.

The Sydney Coastal Councils Group (SCCG) is concerned that not enough funding is being allocated to actions that will improve environmental outcomes, in relation to boating infrastructure, mooring management and the management of end-of-life vessels, all of which we understand are funded through the Waterways Fund.

We specifically request the following advice:

1. the proportion of the Waterways Fund that is dedicated to environmental outcomes, how it is determined and a justification for why environmental outcomes have been overlooked in the new Boating Infrastructure and Dredging Scheme;
2. the alternative funding streams that are currently available to support community-driven boating infrastructure, which are ineligible under the Boating Infrastructure and Dredging Scheme;
3. progress of policy and regulatory options intended to deliver on the environmentally friendly mooring initiatives (EFM), following completion of the EFM trials; and
4. progress of the End of Life Vessel Policy Options document and the expected timelines for finalising the policy options and actions and their implementation. We also wish to be advised on how funding is determined and allocated to remove derelict vessels and dilapidated in-water infrastructure which pose a threat to the environment in Sydney Harbour.

The rationale for our concerns is explained in greater detail in Attachment 1.

Background on the SCCG

The SCCG is a regional organisation of councils, established in 1989 to promote collaboration among member councils on environmental issues relating to the sustainable management of the urban coastal and estuarine environment. The group comprises nine councils adjacent to Sydney marine and estuarine environments and associated waterways and represents nearly 1.3 million Sydneysiders.

We are guided by the [SCCG's Strategic Plan 2019-2029](#) which includes the following goals:

- Waterways and the foreshore are protected and healthier
- Marine biodiversity is protected in the bioregion
- There is a collaborative, effective and consistent approach to coastal and estuarine management.

Our member Councils are keen to see these goals delivered for the betterment of the local government areas and the communities and the environment that they support. However, to achieve this requires a collaborative and transparent approach to the management of our waterways.

We would appreciate a meeting with you to discuss these concerns further. This can be arranged by contacting me via email at sarah@sydneycoastalcouncils.com.au

Yours sincerely,



Sarah Penny Joyce
Executive Director



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Purpose of the Waterways Fund

We understand that TfNSW generates substantial income from boat driver licences, vessel registration and mooring licence fees. According to the [Boating fees at work | Transport for NSW](#) webpage, in 2019-2021 TfNSW collected over \$66 million from these licence and registration fees. These fees are paid into the Waterways Fund which contributes to service delivery reforms identified in the Government's Maritime Safety Plan, Maritime Infrastructure Plan and TfNSW contribution to the Marine Estate Management Strategy 2018-2028.

[The Maritime Infrastructure Plan](#) states that it aims to maximise the benefits of investment in maritime infrastructure for recreational and commercial boaters, including the commercial fishing, aquaculture and tourism sectors, and provide certainty to industry. It identifies that it will see priorities for maritime infrastructure align with broader economic, social and environmental outcomes for the state.

We note that the combined initiatives include the NSW Government's commitment to environmental outcomes on the water. The rationale for our specific concerns over the delivery of environmental outcomes for which we seek your advice, as summarised above is explained below.

Boating infrastructure

We note that the NSW Government recently announced a new boating infrastructure funding scheme on 2 August 2024 to be opened later this year. The new scheme apparently supersedes the Boating Now program of the previous government for which funding had not been made available since 2021 and the program has been under review. The review included seeking to address environmental outcomes of the program. Opportunities for improvement identified included considering amending the Boating Now assessment criteria to consider environmental and sustainability outcomes of projects. The review also refers to the Maritime Infrastructure Plan outcomes and objectives for environmental sustainability.

It is unclear at this stage how the new Boating Infrastructure and Dredging Scheme will seek to achieve environmental outcomes, across the five sub-programs. We would also query how the amount of funding was determined for the scheme in keeping with the environmental outcomes sought under the Maritime Infrastructure Plan and former allocations under the Boating Now program which were much higher and quoted as 50% of the Waterways Fund.

We would also question the process of consultation for the Boating Now review which was limited to targeted stakeholders, with local government and the general community only being engaged if they had been a previous applicant under the Boating Now program. The SCCG was not aware of any opportunities for consultation and unable to provide input to the review.

We note under the new Boating Infrastructure and Dredging Scheme that no new boating infrastructure is eligible for funding, other than for aging boaters and boaters with disabilities. It is disappointing that no opportunities are currently available for communities to seek funding to enable local infrastructure projects with environmental outcomes. For example, the SCCG has been working with the Manly Little Penguin Wardens to facilitate a boat landing area at Manly Point. Such a community boating infrastructure project would be ineligible for funding under the Boating Infrastructure and Dredging Scheme.

We seek a response on how the proportion of funding from the Waterways Fund for environmental outcomes is determined and a justification for why environmental outcomes have been overlooked in the new Boating Infrastructure and Dredging Scheme. Also, we seek

advice about alternative funding streams that are currently available to support community-driven boating infrastructure, ineligible under the Boating Infrastructure and Dredging Scheme.

Mooring management

We acknowledge TfNSW critical oversight of boat mooring and anchorage in NSW waterways and that safe mooring and anchoring are intended to protect people and the environment.

The SCCG appreciates the challenges in reducing the impacts of conventional block & chain moorings on sensitive habitats and the legacy of existing moorings of this type which are ubiquitous in NSW Waterways. You would be aware that block & chain moorings have historically caused impacts particularly on inshore seagrass habitats, creating bare patches and discontinuity across habitat areas. Also, the persistence of these mooring types prevents any recovery of seagrass in these locations.

The MEMS has a dedicated initiative for Safe and Sustainable Boating. The initiative includes a key project for Environmentally Friendly Moorings (EFM), led by Transport for NSW which recognises the importance of addressing mooring impacts. The project aims to establish a performance-based standard for EFM and review policy and regulatory options for improving adoption and maintenance of EFM.

We commend TfNSW initiatives to date to reduce mooring impacts, including the current trials that are underway with CSIRO to test EFM designs. Also, the positioning of public moorings in strategic inshore locations has helped to restrict anchoring closer inshore, reducing potential impacts on sensitive habitats.

We understand that EFM trials are due to be completed in September 2025 and would urge TfNSW to proactively replace public moorings with EFM, to seek additional locations where EFMs can be strategically located to reduce inshore habitat impacts and to work with mooring contractors to adopt EFM for private mooring installations.

Reforms to address mooring impacts are long overdue. The SCCG would appreciate hearing about progress of considering policy and regulatory options intended to deliver on the EFM initiative. We eagerly await the outcomes of the trials and would welcome the earliest opportunity to work with TfNSW in anticipation of promoting and implementing the outcomes.

End of life vessels

You will be aware from recent press [Sydney Harbour junkyard revealed \(smh.com.au\)](https://www.smh.com.au) about community concerns for many obsolete and abandoned vessels in Sydney Harbour, as well as dilapidated infrastructure. These concerns relate chiefly to water quality impacts from decaying vessels and structures that release harmful substances. In many situations, material breaking off deteriorating structures such as old wharves becomes floating debris, creating swimming hazards when the debris floats closer to shore.

TfNSW claims that inspections undertaken for some dilapidated vessels show no immediate environmental threat. However, it is unclear if such inspections have been carried out for all dilapidated vessels in Sydney Harbour.

The MEMS initiative for Safe and Sustainable Boating also identifies a project for End-of-life vessel (ELV) management. This project is also being led by TfNSW and aims to develop options to manage vessels that are reaching or have reached the end of their useful life to mitigate potential environmental risks and enhance access to moorings.

The SCCG understands that TfNSW has progressed the ELV project, having prepared the ELV Policy Options document which proposes a range of commendable short to long term actions, involving various reviews such as legislation to provide a clearer foundation for action, ELV regulation processes to provide clearer guidance and mooring regulations to reduce



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mooring minder vessels, as well as education campaigns for boater awareness and more responsible boat ownership and funding solutions.

The process has involved consultation with stakeholders which closed in January 2023 and feedback from this consultation is currently under review. However, more than 18 months has elapsed with no apparent further progress or any timelines indicated for when the final outcomes will be documented.

It appears that TfNSW is currently prioritising maritime projects that “improve safety and accessibility and facilitate a better experience for public transport customers”, as stated to the Legislative Assembly (link to House Paper [Removing dilapidated structures in Sydney Harbour.](#)) However, the priorities apparently do not consider any environmental outcomes.

The SCCG seeks an update on the progress of consideration of the ELV Policy Options document and the expected timelines for the final outcomes. We also wish to be advised on how funding is determined and allocated to remove derelict vessels and dilapidated in-water infrastructure which pose a threat to the environment in Sydney Harbour.

