



SYDNEY COASTAL COUNCILS GROUP INC.

councils **caring** for the coastal environment

SUBMISSION

Moorings Review

1 August 2014



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To: Maritime Management Centre
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Submitted via email: mmc@transport.nsw.gov.au

Prepared by: Sydney Coastal Councils Group Incorporated (SCCG)

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1. Sydney Coastal Councils Group Incorporated (SCCG)

We are a voluntary Regional Organisation of Councils (ROC) representing 15 Sydney coastal councils (www.sydneycostalouncils.com.au). We are the peak NSW ROC representing coastal councils and the third largest based upon population¹. We have 25 years' experience leading sustainable coastal management.

We harness the individual and collective knowledge of our Member Councils, a suite of technical and academic experts as well as other stakeholders. Engagement is undertaken through a range of communications including meetings, workshops, information sessions and publications.

Accordingly, we are able to provide unique insights drawing upon the technical, experiential and local knowledge of our Members. The management of moorings and boating-related infrastructure are key areas of concern for our Member Councils and this submission draws upon their feedback and our experience.

2. Scope and structure of this submission

This submission focuses on the area in which we have specific knowledge and expertise, namely the urban coastal and estuarine environment. It responds to the **Moorings Review Issues Paper** prepared by the Maritime Management Centre (MMC).

The Issues Paper lists a number of specific questions, which are addressed in Table 1 below. However as a general comment, we feel the questions posed are too narrow in scope to allow an *integrated* assessment of the multiple environmental, social and economic impacts associated with moorings management. As such, we make some general comments and recommendations as a preamble to the table in section 3 below.

3. General Comments

The SCCG supports the objectives of the Review, which are to:

- reduce the administrative burden on industry and the community
- improve consistency and transparency
- ensure the policy and regulatory framework is modern and flexible to respond to growing demand for boat storage.

However we note the absence of any environmental objectives to avoid or minimise the environmental impacts of moorings. Conservation and enhancement of the natural environments directly or indirectly affected by moorings must be a primary driver and objective of the review.

Our waterways perform important environmental functions, such as providing habitat for animal and plant species, providing a buffer to extreme weather events, sequestering

¹ Gooding, A. 2012. *A Comparative Analysis of Regional Organisations of Councils in NSW and Western Australia*, Australian Centre of Excellence for Local Government, University of Technology Sydney.

carbon from the atmosphere, and absorbing land-based pollutants. The value of these functions is often unaccounted for in planning decisions, yet their degradation will result in long-term, and potentially irreversible, losses to the environment, the economy and ultimately our society. Environmental degradation is already widespread. For example an estimated 50 per cent of seagrass has been lost in NSW.²

Recommendations:

1. Develop effective systems and processes for addressing the environmental impacts of moorings and integrating environmental values into decision-making processes and monitoring, including changes in environmental values over time.
2. Undertake a strategic and transparent assessment of the condition of individual waterways and their environmental carrying capacity to establish environmental monitoring and evaluation programs that can inform future decision-making on moorings, including mooring caps.

Waterways are a community asset and the community derives significant social, cultural and economic value from them. There are multiple users of our waterways, both recreational and commercial. Boaters are one such user group and, whether recreational or commercial, they require appropriate facilities to operate. However the provision of facilities should not come at the expense of alternative users. There is a concern that moorings can result in the sterilisation of open space – that is, converting public space into a private area for use by a privileged minority.

Recommendations:

3. Decisions on moorings management must balance the multiple and sometimes competing interests of different user groups.
4. Public access to waterways should be maintained at a level that ensures the environmental integrity of the area is sustained.
5. Councils and their constituents must have a say in the assessment, planning and management of moorings in their local area. To facilitate this, a 'Community Participation Charter' should be developed which includes an obligation to publish the nature and results of community participation, submissions received, the reasons for a decision and how participation influenced the decision.

The legislative and policy framework regulating moorings in NSW is out-dated.³ This review presents an opportunity to improve the system to enhance environmental, social and economic outcomes now and in the future.

² *Moorings Review Issues Paper*, p. 16.

³ *Moorings Review Issues Paper*, p. 9.

Recommendation:

6. Develop a holistic and integrated approach to boating management generally, taking account of the multiple values and competing demands on our waterways, and the direct and indirect impacts of boating.

An issue not directly raised in the Issues Paper, but of concern for some Councils, is the resourcing required for recreational boating infrastructure. Whilst grants are available for new infrastructure, these projects usually require Local Government to be a 50 per cent equity partner and the State Government makes no contribution to ongoing maintenance despite extensive revenue derived from waterways fees, leases and licences levied by various state agencies.

Estuarine Councils are often responsible for providing and maintaining boat launching ramps, trailer parking areas, dinghy storage facilities, public wharfs and jetties as well as commuter wharfs and boat tie-up areas. These facilities service the recreational demands of boat owners from all over the metropolitan region (not just residents of the particular Council area) and are a significant financial burden to estuarine Councils.

Apart from storage issues, as boats become larger and more numerous, the demand for both on-water and terrestrial recreational boating facilities increase likewise. This is one of the hidden costs of recreational boating which Councils find difficult to equitably recoup as recreational boaters perceive any additional user-pays charges by Local Government as excessive when they have already paid state licence fees and related charges to enjoy their recreational pursuits.

Recommendation:

7. Work with Local Government to undertake an assessment of the costs (initial and ongoing) associated with recreational boating infrastructure and determine how these can be more equitably distributed to ensure individual Councils, particularly estuarine ones, are not unfairly burdened and adequate boating infrastructure is provided and maintained.

It is upon the premises above that we formulate our responses hereunder.

Table 1. SCCG response to questions listed in the *Moorings Review Issues Paper*.

ISSUE		RESPONSE
Capacity of moorings		
1.	Do you have any comment on mooring ceilings including suggestions on how to increase the number of the moorings in NSW while minimising broader environmental impacts?	<p>1.1 Mooring ceilings should be determined according to the environmental carrying capacity of the area, rather than demand for moorings or limitations in land-based storage options.</p> <p>1.2 A systematic and formal process for assessing environmental, social and economic impacts must be mandated in all decisions relating to moorings capacity.</p> <p>1.3 Due to the sensitive nature of coastal and estuarine ecosystems</p>

		<p>and existing widespread degradation (with an estimated 50 per cent of seagrass lost in NSW)⁴, environmental considerations should take priority over other economic and social considerations.</p> <p>1.4 Moorings must be avoided in sensitive areas, such as critical habitats, under-represented areas, habitats for threatened flora and fauna species, and those that, once lost, cannot be restored (e.g. <i>Posidonia</i> seagrass beds).</p> <p>1.5 Decisions on moorings capacity should take account of all direct and indirect impacts (e.g. those in the immediate vicinity of the mooring site), as well as <i>cumulative</i> impacts associated with incremental changes to boating activity at various scales (for example, there may be a cultural shift towards multi-hulled motor boats which significantly increases local impacts).</p> <p>1.6 Decisions on moorings capacity should take account of flow-on effects, including:</p> <ul style="list-style-type: none"> o increased water congestion o navigational issues o parking demands o illegal dinghy storage* o loss of visual amenity o loss of public open space o disruption to passive recreational users o disruption to commercial fisheries, <p>as well as cumulative environmental impacts.</p> <p>* SCCG understands that some Member Councils have formal Dinghy Storage Hire schemes that are currently at capacity with waiting lists. Councils can be limited in the number of suitable sites for dinghy storage and thus may not be able to accommodate increasing demand brought about by an increase in moorings ceilings.</p> <p>1.7 Council and the local community must have an opportunity to participate in any decisions on moorings ceilings in their area.</p>
2.	Do you support increased use of mooring systems other than traditional swing moorings as a way to increase mooring capacity?	<p>2.1 Due to the negative environmental impacts of swing moorings,⁵ investigation and trialling of alternative systems which may ameliorate such impacts is supported.</p> <p>2.2 Environmental impacts (ahead of capacity issues) should be the primary consideration when assessing the suitability of alternative moorings systems. For example, additional permanent fixtures can increase shading of seagrass, resulting in lower growth rates, shoot density, weight and productivity.</p>
Regulatory & Policy Framework		
3.	Do you have any suggestions for improving the existing Regulations governing moorings	3.1 The regulations should prescribe a transparent, consistent and consultative process for decision-making in relation to moorings management that takes account of environmental, social, economic and governance considerations, based on the

⁴ Moorings Review Issues Paper, p. 16.

⁵ Moorings Review Issues Paper, p. 16.

	in NSW?	<p>paradigm of ecologically sustainable development as defined in section 6(2) of the <i>Protection of the Environment Administration Act 1991</i>.</p> <p>3.2 The regulations should seek to streamline the administration of moorings and reduce inconsistencies and/or duplication between Local and State Government provisions.</p> <p>3.3 A risk-based approach to moorings management and licensing should be implemented, so that resources are concentrated on high-risk areas. Multiple considerations should be taken into account when determining risk, particularly environmental ones.</p> <p>3.4 A 'Boat Storage Management Plan' should be developed for each major waterway and embayment, as appropriate. At a minimum, each Plan should identify significant environmental features of the area, determine moorings capacity according to the considerations listed in 1.1 to 1.7 above, and establish a monitoring, review and change program for actual and potential direct and indirect impacts.</p> <p>3.5 The licensing scheme should incorporate both positive and negative incentives to encourage compliance with the regulations (such as suspensions or cancellations for non-compliance or reduced licence fees for licencees that can demonstrate a strong track-record of compliance), so that the system is more self-regulating. This can save resources in monitoring and enforcement, however should not be used as a substitute for monitoring and enforcement.</p> <p>3.6 Penalties for a breach of the regulations should be significantly increased to discourage non-compliance.</p> <p>3.7 The regulations should incorporate mechanisms for addressing problems relating to moorings management such as: <ul style="list-style-type: none"> o mooring minders, o illegal transfer of licences, and o illegal dinghy storage. The MMC should consider how Councils may be able to assist with enforcement in relation to these issues and to recover costs.</p> <p>3.8 An education and awareness program should be implemented, informing licence holders of their obligations regarding the use and maintenance of moorings.</p>
4.	What type of issues do you think should be included in any new Moorings Policy?	<i>Refer to issues identified in response to Question 3 above.</i>
Moorings Minders		
5.	Do you think Mooring Minders are a problem on your local waterway?	<p>5.1 Mooring minders are an ongoing problem for many Member Councils for the various reasons identified in the Issues Paper⁶ and require attention.</p> <p>5.2 The SCCG recommends regular audits be undertaken to quantify and monitor the problem.</p>

⁶ *Moorings Review Issues Paper*, p. 11-12.

6.	What measures should the Government consider to reduce the incidence of Mooring Minders?	6.1 The Government should consider allocating licenses according to usage, so that individuals must provide evidence of regular use of the boat in order to obtain and retain a license. The Government could establish a 'minimum use limit' per month or other timeframe. An audit may need to be undertaken to determine what constitutes 'regular use'.
Mooring Maintenance		
7.	What measures should be considered to help ensure mooring apparatuses are properly maintained by mooring licence holders?	7.1 As recommended at 3.5, the licensing scheme should incorporate incentives to encourage compliance with the regulations and, in particular, maintenance of mooring apparatus. This may take the form of reduced fees for well-maintained apparatus or suspensions / cancellations of licences for poorly maintained ones.
Waiting Lists		
8.	Do you think the Priority Waiting List (PWL) system is working and do you have any suggestions on how it could be improved?	8.1 The significant variation in waiting times on different PWLs (ranging from less than one year to more than twenty years) reinforces the need to review the system. 8.2 The risk of auctioning high-demand sites, as proposed in the Issues Paper, is that only those that can afford to pay will have access to moorings. This could result in a system where moorings are allocated on price rather than usage and access to moorings is increasingly limited to the wealthy. A more equitable approach may be a ballot with tickets issued pro rata to time on wait list.
9.	Should alternative approaches to mooring allocations be considered in some areas?	9.1 The Government should consider allocating moorings based on the level of usage that the licensee proposes of the mooring (i.e. if a boat owner is regularly accessing and using their boat, they should have priority over an individual who infrequently uses their boat).
Sharing Moorings		
10.	Should the Regulations be amended to allow sharing of moorings?	10.1 In principle, the SCCG supports the sharing of moorings to ensure that maximum utility is derived from a minimum number of moorings. However mechanisms must be in place to ensure no environmental damage is caused by increases in boating activity.
11.	Do you think a formal Shared Mooring System would work in NSW?	11.1 Yes, a formal Shared Mooring System would assist to formalise and regulate what is reportedly existing practice amongst boat owners if it is properly managed, resourced and enforced.
12.	Could mobile phone based technologies be useful to facilitate real time information on the availability of moorings, and enable bookings?	12.1 The practicality of mobile technology to manage a Shared Mooring System will depend upon the location because certain embayments will be out of range for mobile carriers. The SCCG recommends the MMC consult with boat owners to assess the most appropriate management options.
Minimum Vessel Length Requirements		
13.	Should an increase in current minimum length requirements be considered as a way to free up mooring capacity for vessels that have fewer storage	13.1 Any adjustment to vessel length requirements should take account of the flow-on impacts of increased off-water storage. Member Councils have repeatedly reported problems with on-street boat trailer parking, resulting in loss of visual amenity and parking congestion and tensions among community members. Trailers are the most common method of boat storage in the Sydney Region and many of these are parked in residential

	alternatives?	streets. ⁷ 13.2 The Government must work with Councils to scope increased provision of off-water storage solutions in suitable areas, such as dry-stack systems and off-street boat trailer parking. Currently there are no dry-stack facilities within Sydney Harbour. ⁸ Projections on demand for off-water storage should be reviewed on a regular basis (e.g. annually) to assist local planning.
Fee Levels		
14.	Should the current approach to setting fee levels for PMLs and CMLs be reviewed?	14.1 In addition to the existing criteria for determining licence fees, an assessment of the environmental impacts of the mooring, such as the location, the mooring system (e.g. swing vs fixed), the vessel type (e.g. length, engine size, maintenance records and effluent systems) and the cumulative impacts of moorings in the area, should be included. This would create incentives for moorings to be located and designed in an environmentally-sensitive manner and for boat owners to ensure their vessels create minimal environmental impacts.
15.	What are the key issues with the current fee structure, and how could fees address some of the challenges identified.	15.1 Where there is surplus revenue (as occurred in 2012-13), this should be invested into mitigating, rehabilitating, researching and monitoring the environmental impacts of moorings and boat use generally. A Trust or Fund could be established for this purpose.
Environmental Issues		
16.	Do you support the increased use of environmentally friendly moorings in NSW?	16.1 The SCCG supports the use of environmentally friendly moorings, however they should not be used as justification for increasing the number of moorings where there are ongoing negative environmental impacts, including from boat use. A review of the types of moorings and the potential for replacing them or increasing the proportion of environmentally friendly moorings should be undertaken.
Alternative Delivery Models		
17.	Should the Moorings Review consider alternate delivery options such as the outsourcing of some mooring management functions to third parties?	17.1 Management of moorings should not be shifted to private interests at the expense of community, environmental and cultural values. Private interests by their very nature are self serving, usually geared at profit making and can prioritise short-term exploitation over long-term stewardship. Commercialisation of moorings should not be favoured where there are environmental considerations and a loss of community value. A balance must be drawn between public assets and private use without undermining the other's integrity. Delegation of some functions to third parties can result in the fragmentation of management processes.

Thank you in anticipation for considering our submission. We look forward to participating further in the consultation process and request your advice as to how our submission was taken into account when developing the new system for moorings management in NSW.

⁷ Sydney Harbour Boat Storage Strategy – August 2013, p. 11.

⁸ Sydney Harbour Boat Storage Strategy – August 2013, p. 10.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Cathy Griffin', written in a cursive style.

SYDNEY COASTAL COUNCILS GROUP INC.

Per: Cr. Cathy Griffin
Chairperson



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