



Transport
for NSW

Boating Infrastructure Emergency Repair Pool

Grant Guidelines

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1 Overview

1.1 Introduction

On 2 August 2014, the Minister for Roads, Maritime and Freight announced the NSW Boating Now boating infrastructure program, consisting of \$14 million per year for the next five years to support the delivery of projects and actions identified in the Regional Boating Plans.

NSW Boating Now represents a major investment in boating infrastructure in NSW, almost tripling the previous \$5 million per year available under the Better Boating Program.

Following feedback from Local Councils, an allocation of up to \$5 million has been made for emergency repairs to boating infrastructure. The aim of this funding is to speed up the delivery of repairs, particularly after storm or flood events. Where the repairs are covered by insurance, repayment of grants under this element may be sought.

The scheme runs from 1 July 2015 until 1 July 2019 and is administered by Roads and Maritime Services.

1.2 About the Scheme

The Boating Infrastructure Emergency Repair Pool (BIERP) provides a new funding mechanism for repair or replacement of recreational boating infrastructure that is lost or damaged in natural events such as storms and floods, and extends assistance to events such as acts of vandalism, theft or accidental damage.

The BIERP differs to existing Natural Disaster Assistance Schemes administered by the Ministry of Police and Emergency Services in that it only applies to recreational boating assets, is not limited to assets lost or damaged during declared natural disasters, and is not linked to Federal funding.

Funding assistance for damage to critical maritime transport infrastructure, such as commuter wharves, continues to be provided through the relevant Natural Disaster Assistance Scheme.

1.3 What the scheme funds

Repair or replacement of publicly owned recreational boating facilities may be eligible for funding under BIERP. These facilities include recreational jetties and wharves, boat ramps, pontoons, pump out facilities, slipways, storage facilities, parking areas and some supporting amenities, provided that the asset owner has appropriately insured and maintained the asset.

Funding for boating infrastructure that is owned by a registered club or voluntary organisation may also be considered, provided that the facility significantly benefits boaters and is publicly accessible.

Recipients may be eligible for funding of up to 100 per cent of the repair or replacement costs, up to a total of \$500,000 per asset, provided the asset owner can demonstrate that the asset has been appropriately insured and maintained prior to the loss or damage occurring.

1.4 How the Scheme Works

Following loss or damage of boating infrastructure, the asset owner may submit a Grant Application Form (**Appendix A**) to RMS requesting funding assistance under BIERP.

RMS will assess the grant in accordance with the guidelines established in this document.

Under most circumstances, the asset will be insured and the asset owner will also submit a claim for the loss or damage with an insurer (usually the Treasury Managed Fund, if the asset

is state owned; or a private insurer if the asset is underwritten for local government or a club or voluntary organisation). Funding under BIERP is generally intended to expedite repair or replacement of the asset prior to the resolution of this claim, which may take an extended period to be resolved. In such instances the asset owner will be required to reimburse RMS for the value of the grant upon successful payment of claim by the insurer.

There are likely to be numerous scenarios where an insurance claim cannot be lodged because the nature of the claim is not covered by the insurance policy, or the asset is not appropriately insured. In these circumstances, RMS may determine to pay for the repair or replacement of the asset solely at its expense or may seek a contribution towards the replacement cost of the asset from the owner.

RMS reserves sole discretion to determine whether to fund any grant application under this scheme. RMS may consider providing assistance if the asset is uninsured or improperly maintained in certain circumstances, such as cases of exceptional hardship or significant public benefit, but generally will not do so.

This scheme provides benefits to all parties by allowing for prompt repair or replacement of recreational boating infrastructure prior to receipt of payment from the insurer, and thereby earlier resumption of use than would otherwise occur. It also ensures that most of the expenditure under the BIERP is recouped at minimal cost to Government or the asset owner, allowing ongoing reinvestment of the funds elsewhere in the Maritime program, or for future repair/replacement works.

1.5 How the payment process works

- A recreational boating asset is lost or damaged in an event or act.
- The asset owner submits to RMS a documented financial assistance request that includes proposed, costed works.
- RMS assesses the request for eligibility based on the asset owner's estimates and the program eligibility criteria and makes a recommendation to the Director Maritime.
- The Director Maritime gives approval and issues a grant letter.
- The asset owner completes the eligible works and seeks reimbursement by submitting a completed certificate of expenditure.
- RMS verifies the value of the completed works and makes a recommendation to the Director Maritime.
- The Director Maritime approves payment and issues a cheque to the asset owner.
- If the asset is insured and an insurance claim by the asset owner is successful, the asset owner reimburses RMS for its expenditure.

2 Scheme Particulars

2.1 Nature of financial assistance

The financial assistance is in the form of whole or partial reimbursement of actual expenditure for repair or replacement of the damaged or lost asset. In certain circumstances RMS may consider provision of up front capital for repair or replacement costs, provided appropriate receipts of expenditure are provided.

2.2 Asset owners role and responsibilities

It is the responsibility of the asset owner to lodge the Grant Application Form and to arrange for the physical restoration of their asset(s) in consultation with RMS. The asset owner must also ensure that if an insurance policy is held, an appropriate claim is filed with the insurer, and any subsequent payment of claim from the insurer to the asset owner is passed on to RMS, up to the value of the grant provided by RMS to the asset owner.

2.3 Cost collection

A record of all costs incurred is required to be maintained. The breakdown of costs should be sufficiently detailed to enable RMS assessors to determine if the claimed amounts are fair and reasonable. Should an audit of the asset owner's expenditure be necessary, the asset owner will be responsible for the costs incurred.

2.4 Evidence of damage

Photographic evidence of damage will aid in establishing the claim for financial assistance. It is recommended that the asset owner photograph areas of extensive damage before undertaking any repairs and submit the photographs of damage with its grant application. The asset owner should also keep records that demonstrate any other costs incurred during this process.

2.5 Inspection of works

The asset owner must make available suitable officers to assist any RMS inspection of proposed or completed works and provide any additional information that RMS requests to facilitate assessment of the claim.

2.6 Insurance and self help

Assistance is not to supplant or operate as a disincentive for self-help by way of either commercial insurance or appropriate strategies of disaster mitigation and asset maintenance and planning. Asset owners are expected to take out appropriate insurance cover.

Damage to any asset must be directly attributed to an event and should not include normal maintenance operations, particularly for assets which were in a poorly maintained state at the time of the event. Asset owners may be required to supply records of maintenance on items and assets in question.

While BIERP funding is intended to provide immediate assistance to repair or replace an asset prior to the settlement of a claim by the insurer, insurance and insurance excess is not covered by the Scheme and it is a condition of acceptance of the grant that any payment made by the insurer to the asset owner must be passed on to RMS, up to the value of the grant provided to the asset owner. The asset owner must claim on insurance where available

for any damaged item. The financial assistance provided by the grant notionally covers the gap or difference between the insurance payout (including the insurance excess) and the total cost to restore the item, should an insurance claim be made.

2.7 Uninsured items

Restoration of damage to uninsured assets will be considered. However, claims relating to items that could reasonably be expected to be insured may be disallowed as financial assistance is not to take the place of normal insurances.

2.8 Building standards

Assistance is generally provided to restore an asset to the equivalent of its pre-loss or damage standard, subject to current planning and developmental controls and building standards.

2.9 Betterment

Any request for betterment works will be considered, particularly if the loss or damage was the result of an event which is now foreseeable, and betterment of the facility (such as constructing it to a new code or standard, lifecycle or more appropriate material) may result in improved longevity, safety, accessibility or value for money.

2.10 Inadequate maintenance

Routine maintenance of assets is not eligible for funding under this Scheme and the restoration of damage that can be largely attributed to inadequate design, inadequate maintenance or faulty construction, may also not be eligible for assistance.

Asset owners are required to conduct appropriate routine maintenance of their assets, and only assets for which the owner can provide routine or periodic asset maintenance plans or schedules that evidence an appropriate level of maintenance has occurred, will be eligible for funding in the event of loss or damage.