

**Maritime Advisory Council****DRAFT MINUTES**

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| <b>Date</b>        | 12 August 2016   |   |
| <b>Time</b>        | 0900 to 1200   |   |
| <b>Venue</b>       | Rooms 1a and 1b, Roads and Maritime Services, 33 James Craig Road, Rozelle   |   |
| <b>Chairperson</b> | Darren Vaux  |   |
| <b>Attendees</b>   | <p>The Hon. Duncan Gay, Minister for Roads, Maritime and Freight</p> <p><b>Members</b></p> <p>Kay Cottee (Deputy Chair)</p> <p>Alan Blake</p> <p>Lawrie McEnally</p> <p>Jan Thurgar</p> <p>David Edwards</p> <p>Ian Ford</p> <p>Brett Moore</p> <p>John Barbouttis</p> | <p><b>Invited Advisors</b></p> <p>Michael Drake Office of the Minister for Roads, Maritime &amp; Freight</p> <p>Angus Mitchell, RMS</p> <p>Neil Patchett, TfNSW</p> <p>Lucas Taylor, TfNSW, Secretary</p> |
| <b>Apologies</b>   |  |   |

| <b>Agenda Items</b> |   |
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| <b>1.</b>           | <b>Welcome and Apologies (Minister, Chair)</b>  |
| 1.1                 | <p>The Chair welcomed attendees.</p> <p>The Minister for Roads, Maritime and Freight welcomed and acknowledged Members. The Minister mentioned the good work that was done over the previous boating season including the increasing lifejacket wear rate, Boating Now and the Regional Boating. However, he acknowledged the delivery of Boating now could benefit from improvement.</p> <p>The Minister added that the Marine Safety Amendment went through both houses without</p> |

| <b>Agenda Items</b> |   |
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|                     | <p>significant issues.</p> <p>The Minister briefly spoke about the Centre for Maritime Safety and the new alignment with the Centre for Road Safety. The Minister added it is important to have safety experts together for the safety of the community, and he has appreciated the independent advice and expertise he has received from the Centre for Road Safety and expects the Centre for Maritime Safety will do the same in providing impartial and independent advice on the safety of water users and management of the state waters.</p> <p>Minister added that there is a rumour that recreational fishing and boating will be removed or restricted in Sydney Harbour. The Minister stated that this something which he would not support. DV welcomed RMS property advisor Gary Inberg and new secretariat Lucas Taylor.</p>  |
| <b>2.</b>           | <b>Confirmation of Agenda and Declaration of Conflicts of Interest (Chair)</b>  |
| 2.1                 | <p>The Chair confirmed the Agenda with members.</p> <p>No current conflicts.</p>  |
| <b>3.</b>           | <b>Minutes from MAC meeting –11 December 2015 (Chair)</b>   |
| 3.1                 | <p>The Chair presented the Minutes of the 28 April 2015 MAC meeting.</p> <p>The Minutes of the 28 April 2015 MAC meeting were confirmed as a true and correct record. All in favour.</p>  |
| <b>4.</b>           | <b>Actions from MAC meeting – 28 April 2015 (Chair)</b>   |
| 4.1                 | <p>Actions from previous meeting were discussed.</p> <p>Item 5. <u>Service NSW</u>. KC related that service NSW is not performing as desired and is too far away for many people, especially on the North Coast.</p> <p>Item 9. <u>Boat Trailer parking</u>. NP gave an update on Boat Trailer Parking. MD added that other Councils may wish to opt into the scheme once the pilot program has completed on 1 October 2016. TfNSW are looking at using the grants program to assist with boat storage. The Minister related that in the road space when clearways are implement additional parking must be close by in order for it to be justifiable. The Minister expects that Councils will need to have similar considerations.</p> <p>Item 10. <u>Live Aboard regulations</u>. Private vessels on Sydney Harbour are being offered as accommodation through AirBNB. MD stated that this was a risk for the owners as it legally changes the vessel from a recreational to commercial vessel which increases the owner’s obligations and risks.</p> <p>The Chair provided a summary of live aboard issues including those at marinas, on moorings and at</p> |

| Agenda Items |  |
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|              | <p>anchor. It was commented that marinas are less of an issues as the marina owner can control what happens in their marina; however mooring and anchoring live aboard is more difficult to deal with.</p> <p>Commenting on live aboard issues, two house boats in South West Rocks will be moored and operated close to Oyster leases. There is no pump out in South West Rocks for these vessels. The conclusion being that the effluent from these house boats may pollute the oyster leases.</p> <p>DV invited any views on live aboard issues be submitted to the Chair via the secretariat.</p> <p>AM explained that RMS are looking into how to deal with the known issues, such as South West Rocks and the issue in general.</p> <p><b>Action: AM offered to provide details on the application of the live aboard regulations at the next meeting.</b></p>   |
| 5.           | <b>RMS Items on Notice (Angus Mitchell)</b>  |
| 5.1          | <p><b>PWC Forum</b></p> <p>NP gave details of the upcoming PWC forum including forum’s objectives and who was invited. NP commented that the forum was aiming to strike a balance between government, community and industry representation. The forum will allow a sharing of positions, understand the government response to community concerns and discuss what partners can do to achieve a greater level of compliance and respect on the water ways.</p> <p>NP added that Steve MacDonald will be attending the forum. Steve was involved in an accident where a PWC travelling at speed collided with his kayak, causing him considerable injury.</p> <p><u>MRNSW</u></p> <p>NP gave an update on the funding arrangements for MRNSW, discussing the MOU, funding agreement and funding pathway. NP provided information on what has been done and the process to date leading up to the expiration of the current funding agreement in February 2017.</p> <p>MD added further the intended intergovernmental and strategic context and desired outcome for MRNSW.</p> <p>AM was asked about a recent MRNSW incident and provided information on the incident in which a MRNSW vessel on its maiden voyage capsized off the Central Coast.</p> |

| Agenda Items |  |
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|              | <p>BM enquired after the funding levels and asked what the implications would be if the funding was increased or decreased.</p> <p>MD answered that the onus will be on MRNSW to justify the need for existing levels of funding.</p> <p>AB stated that he would like to see the detail of where the levy raised from licence and registration fee is being spent and how this is benefiting those who have paid the levy. AB read a statement which outlined why the BIA doesn't support the continuation of the levy. Principally, BIA will not support the levy until transparency and accountability is improved and it is demonstrated that the levy is being properly managed and spent on the direct benefit of boaters.</p> <p>AM detailed that MRNSW have approached RMS for an additional \$70 million for VOIP and improved infrastructure across NSW, including communications infrastructure.</p> <p>The Minister stated these improvements are needed, as the safety of boaters was a priority however, he agreed clarity and transparency is absolutely necessary.</p> <p>JT is concerned that the levy is misleading people to think that they helping a service which is not funded at all by the government. This is not accurate. This is not an attack on the group of essential people but rather ensuring people are trained, equipment is serviceable and able to provide the service.</p> <p>The Chair agreed MRNSW is essential and provides a necessary service. No changes to fund the service. However, the use of funds and their allocation and application is what is being questioned. The original intentions for the funding have not been entirely met. The framework for the next agreement must be transparent and accountable. This group had to sell this message of contribution to boaters and this needs to be reflected in reportable outcomes. Transparency and applications. Boating community would support the funding as long as there is transparency and money tracked.</p> <p>The Minister stated that he would support such a notion from the council.</p> <p>DE doesn't agree with cutting the levy and allowing there reserves to deplete but does support accountability and transparency. They need to still operate.</p> <p>Chair confirmed that transparency and KPIs tied to certain outcomes were important. Additionally, consideration should be given to separately funded components. For example a constant funding stream for operation and a separate grants scheme for infrastructure projects which would include</p> |

| Agenda Items |  |
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|              | <p>an application and review and approval process. The desired outcome is knowing where the money is being spent. Funding committee should be made up of representatives from the boating community and Government departments, although agrees RMS should not be involved. The committee should examine spend.</p> <p>JT explained that the threat of losing funding should be on the table. We need to see training outcomes for MRNSW staff. The community also views MRNSW as a charity.</p> <p>KC agreed that the group looking into MRNSW should involve individuals from the boating community.</p> <p>The Chair added that responsibility for operations is Office of Emergency Management. Our influence is on funding. Have to be sensible in where we exert out.</p> <p>LE added that MRNSW is being given charity and raising funds via public drives and that seems only these raised funds are being used for training. It appears to be a cash rich organisation but problems seen on the ground. For example they can't train because they can't afford fuel.</p> <p>JT contributed that the general boater believes that their levy is directly funding safe outcomes. MRNSW needs to be able to demonstrate how they are using resources to deliver services.</p> <p><b>AB proposed a motion which LE second and all were in favour. The MAC recommends three key components be included in any ongoing funding arrangement. Transparency of how and where funds are being spent, key performance indicators linked to specific outcomes and a funding framework for operational expenses separate to infrastructure and asset acquisitions. Project related funding should be through a grant scheme which requires an application assessed by a committee of government, community and industry representatives. Finally a funding adjustment mechanism should be in place to respond to changing needs.</b></p> |
| 5.2          | <p><b>RMS Maritime Property</b></p> <p>Gary Inberg discussed Maritime Planning Approvals Reform Project. Consultation team has prepared reports relating to SHREP and SEPP. Influencing for a merit based approach. At MPAG meeting industry was encouraged to be involved with community consultation.</p> <p>AM added that RMS are under a very proscriptive process for things such as AQL. RMS are looking for a reduced red tape merit based process. Looking to simplify land-water interface planning.</p>  |

| <b>Agenda Items</b> |   |
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|                     | <p>Looking at simplifying for the end user.</p> <p>Discussion was held regarding the benefits of simplified system for customers and RMS. 40 -50 reduction in AQL and DA's.</p> <p>JT commented on the benefit of AQL pre-meeting with RMS.</p> <p>GI gave an update on general Maritime Policy.</p> <p>Chair summarised the issues around Maritime property polices and detailed fundamentals. Boating community relies on private investment on government lands. There are unintended consequences for private investors from existing maritime property policies.</p> <p>Improvement rent was raised as an issue. Lessee improves and maintains the premises until end of lease. They are then subject to a higher rent, even though they have invested in the marina and made the property worth that rental value.</p> <p>GI acknowledged the complexities and the concerns. RMS would take the concerns into consideration. AM stated that RMS would take a proposal to MPAG for consultation.</p> <p>JB agreed with the chair.</p> <p>Underlying principles are as follows. Lease seabed from RMS for a period of time. Build infrastructure to support the business. Look from start to make a strategic long term decision about investment. Historically Marina investors build for long term. Good operators still invest in maintenance over the life and term of the lease. (This is also a good reason why there is a maintenance framework as not all are good maintainers.)</p> <p>The issues is at this point if you are going to pay higher rent then there is no reason that you continue to invest over the life of the lease. The MAC would hate to see an attitude where Infrastructure gets worse towards the end of the lease just so that Improvement rent remains low.</p> <p>RMS acknowledges that there is a lot of work and discussion to be done.</p> <p>AB suggested the infrastructure could be purchasable.</p> <p>IF asked after the bays precinct and described the need for more commercial vessel berthing in</p> |

| Agenda Items |   |
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|              | <p>Sydney Harbour.</p> <p>GI provided an update on the precinct.</p> <p>The Minister commented on how Westconnex will make a difference to the waterside land around Northern Rozelle and Southern Balmain and improve access to the precinct. Adding Peter Duncan has announced his retirement. Ken Kenovski will take over.</p> <p>AB added that in 2013 the maritime policy was approved by MAC and that improvement rent was not part of that policy.</p> <p>GI independent advice has been given that after a forty year lease the assets return to RMS.</p> <p>Ongoing discussions at further MAC.</p> <p><b>Action: Angus Mitchell to provide update at next meeting</b></p>   |
| 5.3          | <p><b>RMS Update</b></p> <p>AM gave an update on RMS activities including campaigns, compliance checks and educational interactions. There has been a 26% decline in fatalities and a 34% decrease in serious injuries.</p> <p>AM provided information on Maritime Environmental activities. This included pollution response commitments including the Environmental Services operations removing rubbish and navigation hazards and pump out facility collection.</p> <p>Maritime Division Highlights of the year include PWC compliance campaign, managed all major special aquatic events, boat wash management safety initiative and implemented the Marine Safety Regulation 2016.</p> <p>AM provided details on Boating Now. 20 projects completed 44 underway with 80 to 100 by June 2017. There are 192 proposed projects.</p> <p>The Chair raised the point that the maintenance will be a challenge through the next stage.</p> <p>Better Boating program is reaching its finalisation.</p> <p>AB asked about the integration of Drives and GLS.</p> |

| <b>Agenda Items</b> |   |
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|                     | <p>AM detailed that they will never integrate but a new system is being developed and it is a large build with a large cost.</p> <p>AM provided a breakdown on the Waterways fund revenue.</p> <p>JT commented about the increasing popularity of wake surfing and commented that it is having a big impact on riverbank erosion.</p> <p><b>Action:</b> Work on wake issues to be presented at the next MAC.</p> <p>High Speed Racing paper acknowledged as read.</p>   |
| <b>6.</b>           | <b>Transport for NSW Items on Notice (Neil Patchett)</b>  |
| 6.1                 | <p><b>Boat Trailer Parking</b></p> <p>Tabled paper providing update on boat trailer parking to be provided with minutes.</p> <p><b>Digital Boat Licence</b></p> <p>NP gave an update on the digital licence program and the potential of push notifications through the program.</p> <p><b>Boating Usage</b></p> <p>NSW version of US coast guard survey which measures actual use on the water. Coming in next year.</p> <p><b>Centre for Maritime Safety</b></p> <p>NP provided an overview of the newly formed Centre for Maritime Safety. CMS will retain its own identity and will not be a Structure and description tabled and will be circulated with minutes.</p> <p>AB asked that with Michael Drake moving to the Minister's office who will lead on policy?</p> <p>NP outlined how Andrew Mogg's duties have not changed regarding property. Other duties have not changed and will be retained in CMS.</p> |

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|                                    | <p><b>Marine Legislation Update.</b></p> <p>NP provided an update and tabled a document which will be circulated with the minutes.</p> <p><b>Lifejacket Campaign.</b></p> <p>NP provided an update on the lifejacket campaign including figures and an outlined how the message will alter slightly to include care and maintenance messages.</p> <p>NP spoke to the document which is going to cabinet.</p> <p><b>Update on Advisory Groups</b></p> <p>NP tabled minutes from Advisory groups.</p> <p><b>Boating Incident Statistics</b></p> <p>NP spoke to the tabled document and outlined some incident statistics and trends.</p> <p>NP discussed how fatalities on yachts are increasing which is out of trend.</p> <p>DE provided more information on recent yachting incidents.</p> <p>KC asked for more detail regarding vessel type.</p> <p>JT congratulated the education and compliance campaigns for bringing down fatalities.</p> |
| 9.                                 | <b>Other Business</b>   |
| 9.1                                | <u>No other business raised</u>   |
| <b>END - Meeting closed 12:20.</b> |   |

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**MARITIME ADVISORY COUNCIL CONFIDENTIAL PAPER – NOT FOR DISTRIBUTION OUTSIDE THE MAC**