

Transport
for NSW

Boating Infrastructure Emergency Repair Pool

Program Guidelines

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About the Boating Infrastructure Emergency Repair Pool Grants Program

The \$ 2 million NSW Boating Infrastructure Emergency Repair Pool Grants Program (BIERP) provides grant funding to local councils and other organisations for the repair, replacement and betterment of public boating infrastructure impacted by natural disasters and severe weather events.

Aims of Boating Infrastructure Emergency Repair Pool Grants Program

The Program seeks to accelerate the replacement or repair of boating facilities which have been impacted by natural disasters and severe weather events and return them to service. The BIERP acknowledges that public boating infrastructure not only serves recreational and commercial boaters but also provides access points to NSW waterways, with some assets also providing evacuation points for regional communities.

The BIERP is a sub-program under the \$44 million Boating Infrastructure and Dredging Scheme announced in August 2024.

Who can apply for a grant

Applications are welcomed from councils, government agencies, community groups and the private sector who own, manage and operate public boating infrastructure which is available to the general boating public. This means that the applicant is and will continue to be responsible for the facility's ongoing management and maintenance for the benefit of the general boating public.

Applicants can submit separate applications for different asset locations or project sites affected by the same natural disaster or severe weather event.

Types of projects eligible for grant funding

The types of projects that will be considered for funding under the BIERP are summarised below:

- **Repair or replacement:** the reinstatement of the infrastructure asset to its working condition prior to the natural disaster or severe weather event.
- **Betterment:** minor changes to replacement design that improves resilience of the asset against future natural disasters or severe weather events.
- **Access for repair and reinstatement:** Work to provide access for repair, replacement and betterment can be funded if it is directly related to the above works. For example, the removal of a collapsed tree across a jetty to gain access to repair the pontoon at the end of the jetty.

Assets that are not available for use by the general boating public and do not have direct benefit to public boating are not eligible for funding.

The BIERP does **not** provide funding for dredging of waterways, nor for the removal of debris in waterways as a result of severe weather events and natural disasters.

Under the BIERP, funding will not be provided for the repair and replacement for improperly maintained assets. Routine maintenance of assets is not eligible for funding. Repair of damage that can be attributed to inadequate design or poor construction, is also not eligible for funding.

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 demonstrate an appropriate level of maintenance has occurred, will be eligible for funding. An appropriate level of maintenance can be demonstrated by the inclusion of the asset in an asset maintenance plan or similar document. Asset owners should also provide the latest inspection report, including photographs, if available.

Appropriate level of maintenance does not include application of superficial treatments such as, but not limited to, painting, cleaning and polishing of deck planks on a timber launch facility and tightening of connections and bolts.

An appropriate level of maintenance may include but is not limited to the repairing of potholes at boat ramp facilities, replacement of deteriorating timber joists, deck planks and piles and removal of algae build-up at boat ramp facilities.

Betterment

Betterment is defined in this document as improving the structure of the asset for the purposes of enhancing resilience against future natural disasters and weather events, while retaining its original function.

Examples include but is not limited to the replacement of broken piles with stronger materials or thicker piles.

Major upgrades to assets for betterment purposes where there is a significant change to the function and performance of the asset, e.g. the conversion of a pontoon asset into a fixed wharf, may be better considered under the other grant programs such as the Boating Infrastructure for Communities Grants Program.



Figure 1 Storm damage on the access way to the Bundeena public wharf. Photo courtesy of Sutherland Shire Council.

How to apply for Boating Infrastructure Emergency Repair Pool Grant

Applications for BIERP funding are accepted until 30 June 2028 or until the \$2 million allocated to the program has been allocated, whichever is sooner.

Completing the grant application

Applications for BIERP funding can be submitted through Transport's online SmartyGrants portal. More information is available from the [Boating Infrastructure and Dredging Scheme](#) webpage.

Commencing works prior to approval of a final application is at the risk of the asset owner and grant funding is not guaranteed without a Letter of Offer from Transport.

Applicants must indicate in the application form if their request for funding is for:

- Repairs only.
- Betterment only.
- Repairs with the option for betterment.

Eligibility Criteria

The BIERP is a demand-driven, 'first-in, first-served' grants program that is defined in the Grant Administration Guide as "applications that satisfy stated eligibility criteria are approved, up to the limit of available funding". Transport will only consider grant applications that meet each of the following eligibility criteria:

- project must be located on land and waters that the applicant owns or has tenure over. Alternatively, the applicant must provide clear evidence of landowner's support, approval or consent to carry out the proposed works at the site, such as a letter of support or formal approval for the project from landowner.
- applicants must have and retain control and/or ownership of the infrastructure to be funded by the grant once it has been completed and must therefore be responsible for the facility's ongoing management and maintenance. This can be demonstrated by the inclusion of the asset in an asset maintenance plan or similar document.
- applicant holds an ABN or ACN.
- the project must comply with the BIERP guidelines and be consistent with the types of projects that can be funded under the program as outlined in Section *Types of projects eligible for grant funding*.
- evidence must be provided of damage caused by a natural disaster or severe weather event such as a flood or bushfire, including photos before and after the event.
- evidence must be provided of previous maintenance of the asset, such as photos, maintenance invoices, maintenance plan and audit reports.
- the request for funding must be between \$5,000 and \$300,000 (inclusive).

- the estimated cost and request for funding must be supported by reasonable quotes for works or past invoices for similar works, and be relevant to the project scope and consistent with the types of work in the application form. Transport may request updated quotes as required.
- a detailed plan of works must be provided including how the applicant intends to manage risks and complete the works within the required timeframes as well as any technical drawings and specifications.
- Betterment Funding Only: evidence must be provided of how betterment will be more beneficial than a repair, such as the inclusion of quotes or invoices for repairs and for proposed betterment works, as well as estimates for repairs post-betterment.
- the asset must be available for use by the general boating public and must provide direct benefits to recreational and/or commercial boaters. Benefits include providing waterway access, servicing as an evacuation point.

A detailed plan of works is included in the BIERP Application Form and requires an outline and assessment of risks, a schedule of works with details of milestones and work activities and associated costs by line item, construction methodology, drawings and layouts.

Examples of assets not considered to be for use by the general boating public include, but are not limited to, boardwalks, the deck areas that cater for non-boating activities and structures that do not provide practical and safe public vessel access for users and passengers. Boating assets that primarily benefit a specific boating group in exchange for a fee, including membership fees, may not be considered assets that provide public boating needs or benefit.

After application is submitted

Transport aims to review each submission within ten business days of its receipt and may request clarifications as needed. Transport will assess the application against the eligibility criteria and make a recommendation to the Executive Director, NSW Maritime, for funding.

Transport may at its discretion recommend partial funding instead of full funding of an application, especially if it determines that not all proposed costs or works are eligible for funding.

Approvals

An appropriate representative of the Maritime Infrastructure Delivery Office, within NSW Maritime, will be the nominated Assessor for BIERP. The Assessor is responsible for reviewing grant application submissions, assessing applications against the eligibility criteria outlined within this document and for providing recommendations to the decision maker for approval for each recommended applications and provision of funding approval.

Decision making

The decision maker for grant applications under BIERP is the Transport for NSW, Executive Director, NSW Maritime.

The decision maker will review the availability of grant funds and the recommendations by the Assessor before deciding to approve a grant application for funding.

The decision maker's decision is final in all matters, including:

- the approval of the grant.
- the grant funding amount to be awarded.
- the terms and conditions of the grant.

There is no appeal mechanism for decisions to approve or not approve a grant.

The decision maker may approve or decline grants in variance from the recommendation of the Assessor. If the decision maker decides to approve or decline a particular grant where this would depart from the recommendation of the assessment process, the decision maker must declare this in the relevant documentation, including the reasons for the departure.

Successful applicants will be notified by Transport via the SmartyGrants platform.

If an application is successful and funding approved, a Letter of Offer and Conditions of Grants document will be issued to the applicant for agreement and signing. The Conditions of Grants would be counter-signed by the Executive Director, NSW Maritime, once the successful applicant has signed and accepted the grant within 30 days of its award.

Funding

A total of \$2 million in funding has been allocated to the BIERP.

The maximum funding that can be requested per application is \$300,000. The minimum value of funding request must be \$5,000.

Projects will need to be delivered in accordance with the requirements in the Conditions of Grant document or the grant agreement may be terminated. Any unspent funding will need to be returned in accordance with the Conditions of Grant document.

Applications will be assessed in the order in which they are received (first in, first served) until the end of the Program on 30 June 2028 or when the funding allocation has been exhausted, whichever comes first.

Partial funding of an application is at the discretion of Transport, particularly if it has been determined not all proposed costs are eligible for funding.

Funding contributions

Applicants are required to contribute at least 25 percent of the total project cost.

Transport will consider factors such as exceptional hardship or significant public benefit from the asset in making any exceptions to the above co-contribution conditions.



Figure 2 Repairs completed at Keith Hall Boat Ramp along the Richmond River by Ballina Shire Council. Photos show before the flood, in 2019, after the flood in 2022 and after betterment and repairs in December 2023. Photos courtesy of Ballina Shire Council.

Funding contributions from the applicant may include funds from other government agencies not including Transport, insurance pay-outs, donations, and in-kind contributions such as materials, labour and use of machinery. Internal administration and project management costs such as staff salaries are **not** considered labour and will not be considered as part of the applicant’s funding contribution.

Grant payments do not include GST. Applicants should seek independent tax advice to determine the funding amount to apply for in your grant application.

Insurance

The BIERP benefits successful applicants by supporting prompt repair or replacement of recreational boating facilities prior to receipt of or to supplement any payment from the insurer, and thereby earlier resumption of use than would otherwise occur.

Transport understands that insurance for boating assets may not be possible for all locations or scenarios, and that assets may not be appropriately insured. Every attempt must be made by potential applicants to seek payout from their insurer for the repair or replacement of their asset. Insurance payout will be considered as funding co-contribution.

Timing

Feedback from applicants under previous versions of the BIERP grants program indicated greater flexibility was required to support competing demands to reinstate damaged infrastructure for affected communities.

A completed BIERP application, with the accompanying evidence of damage resulting from the natural disaster or severe weather incident, must be submitted within three (3) months after the natural disaster or severe weather event.

Projects funded by a BIERP grant must be completed within 12 months of the BIERP Conditions of Grant Document being executed. Extensions of time may be considered in exceptional circumstances.

Successful applicants must claim eligible grants funding within two (2) months of project completion, up to the lesser of the value that it can prove that it spent on the project and the value of the grant provided to the applicant.

Grants must be fully claimed by 30 June 2028. Grants are no longer eligible for claiming of funds and payment beyond this date.

Table 1 Timeline of events for a BIERP-funded project

Timeline	Actions and description of events
Within three (3) months after incident	Submit BIERP funding application via SmartyGrants portal with supporting documentation and photos for assessment.
After application submission	Transport aims to review the contents of the submission within 10 business days of its receipt and request clarifications as needed. Transport will assess the application against the eligibility criteria and make a recommendation for funding.

Timeline	Actions and description of events
	If application is successful and funding approved by the delegate, a Letter of Offer and Conditions of Grants document is issued to the Applicant.
Grant awarded	Applicant signs and submits the Conditions of Grants document with Transport to accept the grant
Within 12 months after Conditions of Grant Document is executed	Project must be delivered and completed in accordance with the Conditions of Grants document.
Within two (2) months after project completion	Submission and completion of grant funding claim for reimbursement by applicant.
Earlier of 30 June 2028 or when funds are exhausted	No more grant applications will be assessed, awarded or paid beyond 30 June 2028 or if funds have been exhausted before this date.

BIERP Particulars

The following items are designed to clarify specific items of the application process for potential applicants.

Asset owners role and responsibilities

The asset owner is the grant applicant and is responsible for lodging the BIERP Application Form via SmartyGrants platform and arranging for the replacement or physical restoration of the asset(s) in consultation with Transport. The asset owner must also ensure that if an insurance policy is held, an appropriate claim is filed with the insurer.

Evidence of damage

Photographic evidence of damage will aid in establishing the claim for financial assistance. The asset owner must 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.

The inclusion of location and time stamp with the photographic evidence will support the BIERP grant application.

Supporting documentation

The applicant must provide documentation to support the requested funding value. Documentation may include quotations and invoices. Supporting documentation also includes evidence of damage, before and after photos of the damage, as well as records of maintenance for the facility and its assets within the grant application submission.

Cost collection

A record of all costs incurred is required to be maintained by the asset owner. The breakdown of costs should be sufficiently detailed to enable Transport 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. Should the audit indicate the claimed amounts are not fair and reasonable, Transport may seek reimbursement for costs not considered fair and reasonable.

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 Transport may consider provision of up-front capital for repair or replacement costs. In this case, the asset owner will still need to provide the appropriate supporting documentation to support the expenditure, such as the project ledger and copies of paid invoices.

Process to claim against the grant

An acquittals process is a key part of continuous financial monitoring that accounts for how funds have been spent. This process includes how Transport assesses the successful applicant's compliance with the terms and conditions of the Conditions of Grant document, including how grant

funds have been spent. Grant claims are claims for payment under the grant to the successful applicant. Grant payments are made to the successful applicant upon approval and successful processing of acquittal claims against the grant.

Acquittals can be submitted via the SmartyGrants platform. Grant claims are completed via a template to simplify any funding calculations and may be attached to the acquittal submissions via SmartyGrants.

The full value of the grant cannot be paid to the asset owner without the asset owner showing proof of costs incurred and paid corresponding to works and activities within the scope of the successful grant application. Proof of costs incurred and paid include copies of paid invoices and accounting line items and journals. Once a grant claim has been reviewed and approved, the asset owner may provide an invoice for the approved grant claim value.

Grant claims must be greater than or equal to \$5,000 in value for the acquittal to be processed. All acquittals are made excluding GST.

Further details are available within the Conditions of Grant document.

Inspection of works

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

Project delivery requirements

The asset owner will consult, collaborate with and provide updates to the nominated grant officer for design and delivery milestones and planning requirements during the course of the project. At times, the asset owner may need to consult with subject matter experts within NSW Maritime regarding the use of the waterway and on-water compliance matters, including encroachment into navigable waters and potential closure of assets for construction or repair works.

Reporting requirements

Successful applicants are required to complete monthly progress reports via the SmartyGrants platform and using the monthly report template.

Progress deliverables, photos, design drawings and other supporting documentation may be attached to the monthly report in order to substantiate project updates.

Request for variations or extensions of time

Occasionally, a successful grant recipient may, after the grant has been approved, request a change to the funded project. Variations may be requested by the asset owner during the delivery of the works funded under BIERP. Variations may occur as a combination of the following:

- change in scope
- change in costs (request for additional funding)
- change in time (request for extension of time)

When determining what approvals are required for a change to the funded project, the key issue is whether the change in scope would amount to a new grant. If the change is such that the grant

recipient is essentially requesting a new grant (e.g. additional funds for an existing program, or the use of the same funds for a different, unapproved purpose), then the change in scope should be treated as a new grant, and considered in line with the requirements of the Grant Administration Guide and the ordinary processes under any relevant guidelines.

Changes in scope may arise if new information has been made available that impacts the design or delivery methodology or plan for the project. Changes in scope that alter the function of the scope or asset must be approved by the nominated decision maker and any corresponding executed grant agreement may need to be amended to reflect the revised scope if approved.

It is the responsibility of the grant recipient to provide the proof to support any changes in scope, timeframes or costs.

A submission of a request for variation does not guarantee an award or approval of variation request or any corresponding funding requested.

Insurance and self help

Assistance under the BIERP is not to replace 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 where available and possible.

While BIERP funding is intended to provide immediate assistance to repair or replace an asset, insurance premiums and insurance excess is not covered by the BIERP. The asset owner must claim on insurance where available for any damaged item. The financial assistance provided by the BIERP 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.

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.

Other Boating Infrastructure and Dredging Scheme grant programs

A total of \$28 million was allocated to infrastructure grant programs under the Boating Infrastructure and Dredging Scheme. As part of this funding allocation, funds were also made available for the Boating Infrastructure for Communities Grants Program as well as the Boating Infrastructure Maintenance Grants Program.

Details on how to apply for funding are available on the [Boating Infrastructure and Dredging Scheme](#) webpage.

Additional information

Important terms and conditions

The NSW Government Grant Administration Guide (2024) mandates the publication of information about all grants awarded no later than 45 calendar days after the grant agreement takes effect. The publication of program evaluations is also required. This information is published on the [NSW Government Grants and Funding Finder](#) website.

Transport reserves the right to undertake an audit of grant funding within a period 7 years from signing the Conditions of Grant document.

Applicants must advise Transport of any changes to their legal status or of changes or delays to their project.

Getting support

Additional information and resources will be available to applicants on the [Boating Infrastructure and Dredging Scheme webpage](#), including relevant application links and frequently asked questions. For more information, please contact mido@transport.nsw.gov.au.

Departmental rights

Transport may, in its absolute discretion, and without limiting any other right which Transport may have, do all or any of the following at any time without giving notice or reasons:

- require additional information from an applicant.
- alter or vary any process, procedure or timing related to the BIERP, including any process, procedure or timing regarding the consideration or the evaluation of any application or all applications.
- suspend or terminate the grant opportunity.
- terminate further participation in the BIERP by any applicant for any reason (including if Transport reasonably considers an application to contain any false or misleading claims or statements).
- negotiate with one or more applicant(s) without prior notice to any other applicant
- terminate any negotiations being conducted with any applicant
- Consider any ineligible application
- Proceed with a Conditions of Grant agreement in ways not contemplated in these Guidelines

Government Information (Public Access) Act 2009

Applicants should be aware that information submitted in applications and all related correspondence, attachments and other documents may be made publicly available under the Government Information (Public Access) Act 2009 (NSW). Information that is deemed to be commercially sensitive will be withheld.

Ethical conduct

Applicants must not participate in any anti-competitive conduct.

It is a condition of the BIERP that no gifts, benefits, or hospitality are to be made to any Transport employee at any time.

Conflict of Interest

There may be a requirement for a conflict-of-interest declaration to be submitted with all proposals or in the application form.

Where a conflict-of-interest detrimental to the assessment process is identified, mitigation measures must be put in place, or an individual may be asked not to participate in the application, assessment, or delivery stage of the process.

All department staff engaged in the program are required to complete a conflict-of-Interest declaration and a declaration register is maintained as per departmental requirements.

Probity advice

Independent probity advisors will provide guidance to Transport on any issues concerning integrity, fairness and accountability that may arise throughout the application and decision-making process. This will ensure decisions are made with integrity, fairness, and accountability, while delivering value for money for New South Wales.

Should applicants have concerns in relation to the probity of the process, they can contact the BIERP Probity Advisor directly:

Beth Nilan, Associate Director
O'Connor Marsden & Associates Pty Ltd
Email: bnilan@ocm.net.au

Conditions of Grant

The Conditions of Grant document will detail the funding agreement between Transport and any successful applicant. The Conditions of Grant will detail how Transport and the successful applicant will interact and deliver the project, including the procedure for communication, reporting, submission and assessment of requests for variations and extensions of time and the treatment of unspent funds. Conditions of Grant are considered executed once Transport confirms via email that the signed agreement and all required documentation has been provided to the department.

No offer

These Guidelines are not an offer, recommendation, or invitation by Transport in respect of any contract or commitment and, subject to a Conditions of Grant document being fully executed by the parties to it, nothing in these Guidelines will form the basis of any contract or commitment.

No guarantee of funding

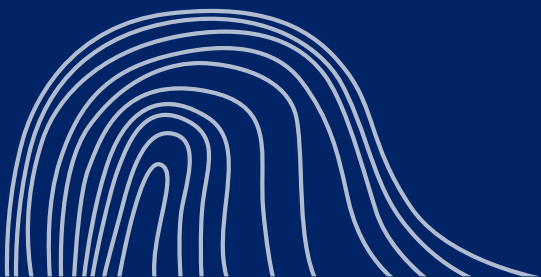
Submission of an application does not guarantee an award of grant funding. These Guidelines are subject to change at any time at the sole discretion of Transport.

Disclaimer

Transport does not guarantee or warrant and accepts no legal liability whatsoever arising from or connected to, the accuracy, reliability, currency, or completeness of any material contained in this publication. Information in this publication is provided as general information only.

Transport recommends that applicants exercise care and use their own skill and judgment in using information from this document and that applicants carefully evaluate the accuracy, currency, completeness, and relevance of such information.

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