

Ref: 02039085

**Mr Chris Hayes**  
**President**  
**Red Head Villages Association**  
**PO Box 2015**  
**Bendalong NSW 2539**

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Dear Mr Hayes,

Thank you for your correspondence to the Minister for Transport about jet skis in the Shoalhaven region. I am responding to you as the Parliamentary Secretary for Transport.

I acknowledge your concerns regarding the safety risks posed by jet skis at Bendalong and Manyana beaches.

Transport for NSW advises standard marine legislation regulating the use of jet skis on the waterways between Dee Beach and Berringer Lake, encompassing Bendalong and Manyana, include:

- 'irregular driving', when a dwelling is visible and within 200 metres of the shoreline;
- prohibition on operation between sunset and sunrise; and
- 'distance off' at a maximum speed of six knots between a vessel and persons of 60 metres, or objects in the water or shoreline of 30 metres.

I am advised jet skis are subject to operating requirements beyond normal powered vessels with safety and amenity in mind, and penalties for non-compliance of NSW marine legislation are typically double that for jet skis when compared to other vessel types. Instances of unsafe vessel operation can be reported to Transport for NSW's Maritime Infoline on 131 236 from 8.30am to 5.30pm Monday to Friday, and 8.30am to 4.30pm on weekends and Public Holidays.

Further, specific licensing and registration requirements applicable to jet ski users include specific testing and affixing a behaviour label to the craft.

Standard marine legislation can provide for 'swimming areas' to be established through the placement of flags or signs on the shoreline, placed by a public or local authority, that prohibit any vessel operating within 60 metres of the swimming area, and for a distance of up to 500 metres from the shoreline, unless otherwise stated on the flags or signs.

Swimming areas are typically established with land-based council or Surf Life Saving functions however, Transport for NSW understands there are no such activities in the subject waterways. Therefore, the speed and 'distance off' provision is the primary tool regulating interactions between vessels and persons for the subject waterways. For more information, see here: [www.nsw.gov.au/driving-boating-and-transport/waterways-safety-and-rules/rules](http://www.nsw.gov.au/driving-boating-and-transport/waterways-safety-and-rules/rules).

Transport for NSW has not declared any waterway or locality specific restrictions on the use of jet skis in the waterways between Dee Beach and Berringer Lake, as the current provisions are typically considered to result in a suitable level of safeguards for other users of the waterway and waterside land. Transport for NSW acknowledges improvements to land-based signage, such as that which you have detailed, is appropriate and this suggestion has been actioned.

Further, I am advised there are a range of enhanced waterway safety initiatives during the peak boating season across Shoalhaven such as the placement of electronic message boards (EMB), with the nearest EMB located on the Sussex Inlet Road, and installation of temporary markers regulating and advising vessel users, such as the irregular ride markers in Jervis Bay.

NSW marine legislation includes the ability for Transport for NSW to enact waterway specific vessel operating restrictions where, for example, standard provisions are deficient or ambiguous to vessel operators. Examples of the reasons for implementing a zone which regulates vessel operations beyond the effect of standard marine legislation may be infrastructure on the waterway or adjoining waterside land, hazards to safe navigation such as submerged rocks, and mix of waterway users such as kayakers and/or swimmers.

The change in where and how people live, work and play on NSW waters and places adjoining waterways in the current environment is one Transport for NSW has a focus on. It is important to note that displacement of vessel operators from an area where an activity is prohibited can result in a concentration of use in areas that remain unrestricted.

Transport for NSW routinely reviews and assesses data from a range of sources, such as compliance and licensing data, complaints, seasonal influences and demographics, in order to determine field operations and resource allocation priorities as well as the need for local waterway vessel management tools.

Overall, I acknowledge a careful balance is needed to find the right solution to managing safety concerns on waterways given geographic, social circumstances and waterway uses are different, as are stakeholder expectations. Please be assured safety concerns on NSW waterways is a priority Transport for NSW as it makes use of a range of ideals to engage with the users of waterways including education, encouragement and enforcement.

If you would like to discuss this matter further, Mr Deon Voye, Principal Manager South at Transport for NSW Maritime, is available to provide further information or assistance. He can be contacted by emailing [Deon.Voyer@transport.nsw.gov.au](mailto:Deon.Voyer@transport.nsw.gov.au).

Thank you for taking the time to write.

Sincerely,

A handwritten signature in black ink that reads "Marjorie O'Neill". The signature is written in a cursive style with a large initial 'M' and 'O'.

10/04/2024

**Marjorie O'Neill MP**  
Parliamentary Secretary for Transport