



Queensland

*Transport Infrastructure Act 1994*

# **Transport Infrastructure (Waterways Management) Regulation 2012**

**Current as at 14 December 2012**

# Information about this reprint

This regulation is reprinted as at 14 December 2012.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have been made to—

- omit provisions that are no longer required (s 40)
- make all necessary consequential amendments (s 7(1)(k)).

This page is specific to this reprint. A table of reprints is included in the endnotes.

**Also see endnotes for information about when provisions commenced.**

## Spelling

The spelling of certain words or phrases may be inconsistent with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’).

## Dates shown on reprints

**Reprints dated at last amendment** All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

**Replacement reprint date** If the date of an authorised reprint is the same as the date shown on another authorised reprint it means that one is the replacement of the other.



Queensland

# Transport Infrastructure (Waterways Management) Regulation 2012

## Contents

---

		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title . . . . .	5
2	Definitions . . . . .	5
3	References to latitude or longitude . . . . .	5
<b>Part 2</b>	<b>Application</b>	
4	Waterways and associated infrastructure . . . . .	5
5	Watercraft to which regulation does not apply . . . . .	6
<b>Part 3</b>	<b>Anchoring, mooring and grounding restrictions</b>	
6	Prohibition on anchoring etc. in particular regulated waters . . . . .	7
7	Particular regulated waters where watercraft not to be anchored etc. for more than 24 hours . . . . .	8
8	Particular regulated waters where watercraft not to be anchored etc. for more than 7 days . . . . .	8
9	Particular regulated waters where watercraft must not be anchored etc. for more than 7 days in 1 location . . . . .	9
<b>Part 4</b>	<b>Living on board watercraft</b>	
10	Time limit for living on board watercraft in particular regulated waters . . . . .	9
11	Restrictions on living on board watercraft in particular regulated waters without approval . . . . .	10
12	Living on board approval—regulated waters mentioned in s 11 . . . . .	10
13	Watercraft used for living on board in particular regulated waters to have waste holding system . . . . .	11
<b>Part 5</b>	<b>Managing on-water activities</b>	
14	Prohibition on using particular regulated waters for construction etc. without approval . . . . .	12
15	Watercraft works approval . . . . .	12

Contents

---

16	Prohibition on take off from or landing on regulated waters without approval . . . . .	13
17	Take off and landing approval. . . . .	13
18	Prohibition on water-skiing in particular regulated waters . . . . .	13
19	Prohibition on freestyling, surfing and wave jumping in particular regulated waters . . . . .	14
<b>Part 6</b>	<b>Exemptions</b>	
20	Exemption for marine safety. . . . .	14
<b>Part 7</b>	<b>Approvals</b>	
21	Administering agency may issue . . . . .	15
22	Granting or refusing application . . . . .	15
23	Renewal . . . . .	17
24	Amending, suspending, or cancelling. . . . .	17
25	Procedure for amending, suspending or cancelling . . . . .	18
26	Procedure for urgent suspension . . . . .	19
27	Effect of suspension on renewal. . . . .	20
28	Approval to be returned after suspension or cancellation . . . . .	20
29	Application of Act, ss 485 and 485A for review of decisions of chief executive . . . . .	20
30	Gold Coast Waterways Authority Act 2012, ss 36 and 37 apply for review of decisions made by Authority . . . . .	21
<b>Part 8</b>	<b>Fees</b>	
31	Fees . . . . .	21
<b>Part 9</b>	<b>Repeals and transitional provisions</b>	
<b>Division 1</b>	<b>Repeals</b>	
32	Repeals . . . . .	21
<b>Division 2</b>	<b>Transitional provisions</b>	
33	Definitions for div 2. . . . .	22
34	Approvals granted under repealed plan . . . . .	22
35	Application for approvals made before commencement. . . . .	23
36	Internal review of decisions . . . . .	23
37	External review of decisions. . . . .	23
38	References to repealed plan . . . . .	24
<b>Schedule 1</b>	<b>Gold Coast waters</b> . . . . .	25
<b>Schedule 2</b>	<b>Sunshine Coast waters</b> . . . . .	31
<b>Schedule 3</b>	<b>Fees</b> . . . . .	34
<b>Schedule 4</b>	<b>Dictionary</b> . . . . .	35

**Endnotes**

1	Index to endnotes . . . . .	39
2	Date to which amendments incorporated . . . . .	39
3	Key . . . . .	39
4	Table of reprints . . . . .	40
5	List of legislation . . . . .	40
6	List of annotations . . . . .	40



---

# Transport Infrastructure (Waterways Management) Regulation 2012

[reprinted as in force on 14 December 2012]

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Transport Infrastructure (Waterways Management) Regulation 2012*.

### 2 Definitions

The dictionary in schedule 4 defines particular words used in this regulation.

### 3 References to latitude or longitude

A reference in this regulation to latitude or longitude is a reference to latitude or longitude using the coordinate framework known as Geocentric Datum of Australia (GDA94).

## Part 2 Application

### 4 Waterways and associated infrastructure

- (1) Subject to subsection (2), this regulation applies to the following Queensland waters (*regulated waters*)—

[s 5]

---

- (a) the waterways described in schedule 1, part 1 (*Gold Coast waters*);
  - (b) the waterways described in schedule 2, part 1 (*Sunshine Coast waters*).
- (2) This regulation does not apply to a State managed boat harbour under the *Transport Infrastructure (Public Marine Facilities) Regulation 2011*.

*Editor's note—*

Maps showing the approximate locations of regulated waters are available at—

- 1 for regulated waters that are Gold Coast waterways—
  - (a) the offices of the Authority during normal working hours; or
  - (b) on the internet site, or an internet site identified on the internet site, of the Authority at <[www.qld.gov.au/transport/gcwa](http://www.qld.gov.au/transport/gcwa)>; or
- 2 for regulated waters other than Gold Coast waterways—
  - (a) a regional office of MSQ during normal working hours or on an internet site identified on MSQ's internet site at <[www.msq.qld.gov.au](http://www.msq.qld.gov.au)>; or
  - (b) on the department's internet site at <[www.tmr.qld.gov.au](http://www.tmr.qld.gov.au)>.

## 5 Watercraft to which regulation does not apply

- (1) This regulation does not apply to the following watercraft—
- (a) a watercraft being used for official duty by the Commonwealth, a State or a local government;
  - (b) a watercraft owned by the State;
  - (c) a watercraft being used to carry out approved works.

- (2) In this section—

*approved works* means works, including construction, dredging, installation and maintenance of navigation aids, approved under the Planning Act or *Transport Operations (Marine Safety) Act 1994*.



---

## **Part 3**                      **Anchoring, mooring and grounding restrictions**

### **6**            **Prohibition on anchoring etc. in particular regulated waters**

- (1) Subsection (2) applies to the regulated waters within 30m of—
  - (a) an approved structure; or
  - (b) a watercraft moored to an approved structure.
- (2) The owner or operator of a watercraft must not cause or allow the watercraft—
  - (a) to be anchored or moored in the waters; or
  - (b) if the watercraft is aground at a place in the waters—to be kept at the place.

Maximum penalty—40 penalty units.

- (3) Subsection (4) applies to the Sunshine Coast waters described in schedule 2, part 2, division 1.
- (4) The owner or operator of a watercraft must not cause or allow the watercraft—
  - (a) to be moored in the waters; or
  - (b) if it is aground at a place in the waters—to be kept at the place.

Maximum penalty—20 penalty units.

- (5) Subsection (6) applies to the Sunshine Coast waters described in schedule 2, part 2, division 2.
- (6) The owner or operator of a watercraft that is more than 5m must not cause or allow the watercraft—
  - (a) if it is unoccupied—to be anchored in the waters; or
  - (b) if it is aground at a place in the waters—to be kept at the place.

Maximum penalty—20 penalty units.

[s 7]

---

*Note—*

See also sections 14 and 20 for when a person does not contravene this section.

## **7 Particular regulated waters where watercraft not to be anchored etc. for more than 24 hours**

- (1) This section applies to the Gold Coast waters described in schedule 1, part 2, division 1.
- (2) The owner or operator of a watercraft must not cause or allow the watercraft—
  - (a) to be anchored or moored, whether at 1 or more locations, in the waters for more than 24 consecutive hours in any 30 day period; or
  - (b) if the watercraft is aground at a place in the waters—to be kept at the place, whether at 1 or more locations, for more than 24 consecutive hours in any 30 day period.

Maximum penalty—20 penalty units.

*Note—*

See also section 20 for when a person does not contravene this section.

## **8 Particular regulated waters where watercraft not to be anchored etc. for more than 7 days**

- (1) This section applies to the Gold Coast waters described in schedule 1, part 2, division 2;
- (2) The owner or operator of a watercraft must not cause or allow the watercraft—
  - (a) to be anchored or moored, whether at 1 or more locations, in the waters for more than 7 consecutive days in any 60 day period; or
  - (b) if the watercraft is aground at a place in the waters—to be kept at the place, whether at 1 or more locations, for more than 7 consecutive days in any 60 day period.

Maximum penalty—20 penalty units.

---

*Note—*

See also section 20 for when a person does not contravene this section.

**9 Particular regulated waters where watercraft must not be anchored etc. for more than 7 days in 1 location**

- (1) This section applies to the Gold Coast waters described in schedule 1, part 2, division 3.
- (2) The owner or operator of a watercraft must not cause or allow the watercraft—
  - (a) to be anchored or moored in the waters within 1n mile of the 1 place for more than 7 consecutive days in any 60 day period; or
  - (b) to be kept aground within 1n mile of the 1 place for more than 7 consecutive days in any 60 day period.

Maximum penalty—20 penalty units.

*Note—*

See also section 20 for when a person does not contravene this section.

## **Part 4 Living on board watercraft**

**10 Time limit for living on board watercraft in particular regulated waters**

- (1) This section applies to Gold Coast waters.
- (2) The owner or operator of a watercraft must not live, or allow anyone else to live, on board the watercraft in the waters, at, or within 3n miles of, the 1 place for more than 7 consecutive days in any 60 day period.

Maximum penalty—20 penalty units.

- (3) A person does not contravene subsection (2) if the watercraft is at a marina with toilets and washing facilities.

[s 11]

---

*Note—*

See also section 20 for when a person does not contravene this section.

## **11 Restrictions on living on board watercraft in particular regulated waters without approval**

- (1) Subsection (2) applies to the Sunshine Coast waters described in schedule 2, part 2, division 3.
- (2) The owner or operator of a watercraft must not live, or allow another person to live, on board the watercraft in the waters, whether temporarily, intermittently or permanently, unless the living on board is in accordance with a living on board approval.

Maximum penalty—20 penalty units.

- (3) Subsection (4) applies to Sunshine Coast waters, other than the waters mentioned in subsection (1).
- (4) The owner or operator of a relevant watercraft must not cause or allow the watercraft to remain in the waters for more than 48 hours unless the living on board is in accordance with a living on board approval.

Maximum penalty—20 penalty units.

- (5) In this section—

*relevant watercraft* means a watercraft, other than a commercial houseboat, being used for living on board whether temporarily, intermittently or permanently.

*Note—*

However, see section 12 (Living on board approval) and also section 20 for when a person does not contravene this section.

## **12 Living on board approval—regulated waters mentioned in s 11**

The owner or operator of a watercraft may apply to the chief executive for an approval (a *living on board approval*) authorising the owner, operator or another stated person to live on board the watercraft and remain in the waters.

*Note—*

The procedure for obtaining the approval is in part 7 (Approvals).

**13 Watercraft used for living on board in particular regulated waters to have waste holding system**

- (1) This section applies—
  - (a) if a watercraft is being used for living on board, whether temporarily, intermittently or permanently, in Sunshine Coast waters; and
  - (b) whether or not the watercraft is occupied.
- (2) The owner and the operator of the watercraft must ensure that the watercraft has a waste holding system while the watercraft is in the waters.

Maximum penalty—20 penalty units.

- (3) The operator of the watercraft must ensure that none of the contents of the waste holding system is discharged into the waters.

Maximum penalty—20 penalty units.

- (4) The operator of the watercraft must ensure that a fixed or mobile pump-out facility is used to empty the contents of the waste holding system while the watercraft is in the waters.

Maximum penalty—20 penalty units.

- (5) The owner or operator of the watercraft must keep a written record of all of the following for each discharge of the waste holding system while the water craft is in the waters—

- (a) the date when, and the place where, the contents of the system were discharged; and
- (b) the quantity of the contents discharged.

Maximum penalty—20 penalty units.

- (6) In this section—

[s 14]

---

**waste holding system**, for a watercraft, means a waste holding tank connected to each source of sewerage or waste water on the watercraft.

*Note—*

See also section 20 for when a person does not contravene subsections (2), (4) or (5).

## Part 5 Managing on-water activities

### 14 Prohibition on using particular regulated waters for construction etc. without approval

- (1) A person must not cause or allow a watercraft to anchor or moor in or otherwise use Sunshine Coast waters if the watercraft—
- is under construction; or
  - is undergoing reconstruction; or
  - is being refitted; or
  - is undergoing structural repair.

Maximum penalty—20 penalty units.

- (2) A person does not contravene subsection (1) or section 6 if the construction, reconstruction, refitting or structural repair is carried out—
- in accordance with a watercraft works approval; or
  - at a commercial facility for building or repairing watercraft.

### 15 Watercraft works approval

A person may apply to the chief executive for an approval (a **watercraft works approval**) to construct, reconstruct, refit or

make structural repairs to a watercraft in the Sunshine Coast waters.

*Note—*

The procedure for obtaining the approval is in part 7 (Approvals).

## **16 Prohibition on take off from or landing on regulated waters without approval**

- (1) The pilot of an aircraft must not take off from regulated waters unless the take off is authorised under a take off and landing approval.

Maximum penalty—40 penalty units.

- (2) The pilot of an aircraft must not land on regulated waters unless the landing is authorised under a take off and landing approval.

Maximum penalty—40 penalty units.

## **17 Take off and landing approval**

A person may apply to an administering agency for approval for a stated aircraft to take off from a stated area, or land in a stated area, in regulated waters (a *take off and landing approval*).

*Note—*

The procedure for obtaining the approval is in part 7 (Approvals).

## **18 Prohibition on water-skiing in particular regulated waters**

A person must not waterski in the Gold Coast waters described in schedule 1, part 2, division 4.

Maximum penalty—40 penalty units.

[s 19]

---

## **19 Prohibition on freestyling, surfing and wave jumping in particular regulated waters**

- (1) A person must not use a watercraft to freestyle, surf or wave jump in the following regulated waters—
- (a) the Gold Coast waters described in schedule 1, part 2, division 5;
  - (b) the Sunshine Coast waters described in schedule 2, part 2, division 4.

Maximum penalty—40 penalty units.

- (2) A person must not use a watercraft to freestyle, surf or wave jump in regulated waters that are—
- (a) within 30m of another watercraft; or
  - (b) within 60m of a person in the water.

Maximum penalty—40 penalty units.

## **Part 6 Exemptions**

### **20 Exemption for marine safety**

- (1) A person does not contravene an exemption provision if a watercraft owned or operated by the person has entered regulated waters, in relation to which the provision applies, from seaward while on a genuine voyage along the coast or an international voyage if—
- (a) entry was made for the purpose of—
    - (i) taking shelter from adverse weather; or
    - (ii) making urgent repairs; and
  - (b) if a person is living on board the watercraft—the living on board is for no more than 10 consecutive days.
- (2) In this section—



*exemption provision* means a provision of part 3 or section 10(2), 11(2) or (4), 13(2), (4) or (5) or 14.

## **Part 7 Approvals**

### **21 Administering agency may issue**

- (1) An administering agency may issue an approval for an activity for regulated waters.
- (2) An application for an approval must be—
  - (a) in the approved form; and
  - (b) supported by enough information to enable the administering agency to decide the application; and
  - (c) for a take off and landing approval—accompanied by the application fee for the approval.

### **22 Granting or refusing application**

- (1) The administering agency for regulated waters must consider an application for an approval and either—
  - (a) grant the application, with or without conditions; or
  - (b) refuse to grant the application.
- (2) In deciding the application the administering agency must consider—
  - (a) whether the proposed location is appropriate for the activity; and
  - (b) for a take off and landing approval—the applicant's proposed safety procedures; and
  - (c) existing use of the regulated waters in the location and residential, recreational and commercial areas adjacent to the location; and

[s 22]

---

- (d) the interests of other users of the waters; and
  - (e) noise, amenity and characteristics of the waters; and
  - (f) the applicant's ability to comply with the requirements of the applicant under a relevant law; and
  - (g) for a living on board approval or watercraft works approval—the proximity or availability of more appropriate commercial facilities to moor or store the watercraft or undertake watercraft maintenance; and
  - (h) whether the applicant has paid the application fee.
- (3) If the administering agency decides to grant the application on conditions, the administering agency must give the applicant written notice of the conditions and the reasons for the conditions.
- (4) If the administering agency decides to refuse to grant the application, the administering agency must give the applicant written notice of the refusal and the reasons for the refusal.
- (5) If the approval is subject to conditions, the approval holder must comply with the conditions, unless the holder has a reasonable excuse.

Maximum penalty—40 penalty units.

- (6) A notice under subsection (3) or (4) must also state the prescribed review information for the decision.
- (7) An approval is for the period stated in the approval.
- (8) The approval must be kept on the aircraft, or watercraft, to which the approval relates.
- (9) In this section—
- relevant law*** means—
- (a) the *Transport Operations (Marine Pollution) Act 1995*; and
  - (b) the *Transport Operations (Marine Safety) Act 1994*.

---

## 23 Renewal

- (1) An approval holder for an approval may apply to the administering agency for regulated waters for the approval for the renewal of the approval.
- (2) The application must be—
  - (a) made in the approved form; and
  - (b) supported by enough information to enable the administering agency to decide the application; and
  - (c) for a take off and landing approval—accompanied by the application fee for the approval.
- (3) Section 22 applies to an application for renewal of an approval in the same way it applies to an application for an approval.
- (4) Without limiting subsection (3), the administering agency may refuse to renew the approval if—
  - (a) the approval was issued or renewed because of information that is false or misleading; or
  - (b) it is necessary for public safety.

## 24 Amending, suspending, or cancelling

- (1) The administering agency for regulated waters may amend, suspend, or cancel an approval holder's approval on any of the following grounds—
  - (a) the approval was issued or renewed because of information that is false or misleading;
  - (b) it is necessary for public safety;
  - (c) the effective management of a waterway;
  - (d) the person contravenes a relevant law, including a condition of the approval.
- (2) In this section—

*relevant law* means any of the following—

[s 25]

---

- (a) the Act, chapter 15, part 2;
- (b) the *Transport Operations (Marine Pollution) Act 1995*;
- (c) the *Transport Operations (Marine Safety) Act 1994*.

## **25 Procedure for amending, suspending or cancelling**

- (1) This section applies if the administering agency for regulated waters considers there is a ground to amend, suspend or cancel an approval holder's approval (the *proposed action*).
- (2) Before taking the proposed action, the administering agency must give the approval holder a written notice stating—
  - (a) the proposed action; and
  - (b) the grounds for the proposed action; and
  - (c) an outline of the facts and circumstances forming the basis for the grounds; and
  - (d) if the proposed action is suspension of the approval—the proposed suspension period; and
  - (e) an invitation to the approval holder to show, within a stated time, of at least 14 days after the notice is given, why the proposed action should not be taken.
- (3) If, after considering all written representations made within the stated time, the administering agency still considers a ground to take the proposed action exists, the administering agency may—
  - (a) if the proposed action was to amend the approval—amend the approval; or
  - (b) if the proposed action was to suspend the approval—suspend the approval for no longer than the period stated in the notice; or
  - (c) if the proposed action was to cancel the approval—amend the approval, suspend it for a period or cancel it.
- (4) The administering agency must inform the approval holder of the decision by giving the approval holder written notice.

- 
- (5) If the administering agency decides to amend, suspend or cancel the approval, the notice must state—
    - (a) the reasons for the decision; and
    - (b) the prescribed review information for the decision.
  - (6) The decision takes effect on the later of the following—
    - (a) the day the notice is given to the approval holder; or
    - (b) the day of effect stated in the notice.
  - (7) However, if the approval is suspended or cancelled because of the conviction of a person for an offence—
    - (a) the suspension or cancellation does not take effect until—
      - (i) the end of the time to appeal against the conviction; and
      - (ii) if an appeal is made against the conviction—the appeal is finally decided; and
    - (b) the suspension or cancellation has no effect if the conviction is quashed on appeal.

## **26 Procedure for urgent suspension**

- (1) Despite section 25(1) to (6), if the administering agency that issued or renewed an approval considers it is necessary for public safety, or for the efficiency of a waterway, the administering agency may, by written notice given to the approval holder for the approval, decide to immediately suspend the approval until the earlier of the following—
  - (a) the administering agency informs the approval holder of the administering agency's decision under section 25;
  - (b) the end of 56 days after the notice is given to the approval holder.
- (2) The notice must state—
  - (a) the reasons for the decision; and
  - (b) the prescribed review information for the decision.

[s 27]

---

## **27 Effect of suspension on renewal**

- (1) An approval that is suspended may be renewed.
- (2) However, the suspension continues until the end of the suspension period.

## **28 Approval to be returned after suspension or cancellation**

- (1) A person whose approval is suspended or cancelled must return the issued or renewed approval to the administering agency within 7 days after the suspension or cancellation takes effect, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

- (2) If an issued approval is returned to the administering agency because of a suspension of the approval, the administering agency must return it to the approval holder at the end of the period of suspension.
- (3) In this section—  
*administering agency*, for an approval, means the administering agency that issued the approval.

## **29 Application of Act, ss 485 and 485A for review of decisions of chief executive**

- (1) Sections 485 and 485A of the Act apply to a decision made by the chief executive as if—
  - (a) the decision were a decision mentioned in schedule 3 of the Act; and
  - (b) QCAT were stated opposite the decision in that schedule.
- (2) In this section—  
*decision*, made by the chief executive, means—
  - (a) a decision to grant an approval on conditions;
  - (b) a decision to refuse an application for an approval;
  - (c) a decision to amend, suspend or cancel an approval.

---

**30 Gold Coast Waterways Authority Act 2012, ss 36 and 37  
apply for review of decisions made by Authority**

The *Gold Coast Waterways Authority Act 2012*, sections 36 and 37 apply to the following decisions made by the Authority—

- (a) a decision to grant an approval on conditions;
- (b) a decision to refuse an application for an approval;
- (c) a decision to amend, suspend or cancel an approval.

## **Part 8 Fees**

### **31 Fees**

The fees payable under this regulation are stated in schedule 3.

## **Part 9 Repeals and transitional provisions**

### **Division 1 Repeals**

#### **32 Repeals**

The following waterway transport management plans are repealed—

- the Transport Infrastructure (Gold Coast Waterways) Management Plan 2000, SL No. 341
- the Transport Infrastructure (Sunshine Coast Waterways) Management Plan 2000, SL No. 342.

[s 33]

---

## Division 2 Transitional provisions

### 33 Definitions for div 2

In this division—

*commencement* means the commencement of this section.

*former provision*, for a repealed plan, means—

- (a) if the decision is made under the repealed *Transport Infrastructure (Gold Coast Waterways) Management Plan 2000*—section 22 of the repealed plan; or
- (b) if the decision is made under the repealed *Transport Infrastructure (Sunshine Coast Waterways) Management Plan 2000*—section 27 of the repealed plan.

*repealed plan* means a waterway transport management plan repealed by section 32.

### 34 Approvals granted under repealed plan

- (1) This section applies to an approval for an activity (the *pre-commencement approval*) in force, immediately before the commencement, under the repealed plan.
- (2) The pre-commencement approval is taken to be an approval (the *deemed approval*), for the activity, issued—
  - (a) under this regulation; and
  - (b) for the period ending on the earlier of the following—
    - (i) the end of the period stated in the pre-commencement approval; or
    - (ii) if an approval for the activity is issued under this regulation before the end of the period mentioned in subparagraph (i)—the day the approval is issued.



- (3) Also, if the pre-commencement approval was subject to a condition under a repealed plan, the deemed approval is taken to be subject to the condition.

### **35 Application for approvals made before commencement**

- (1) This section applies to an application for an approval for an activity made but not decided, before the commencement, under a repealed plan.
- (2) For dealing with and deciding the application, the repealed plan continues to apply as if this regulation had not commenced.
- (3) However, the decision on the application is taken to be a decision on an application for an approval for the activity under this regulation.

### **36 Internal review of decisions**

An application for an internal review of a decision, requested under section 485 of the Act as applied by a former provision of a repealed plan, that is not dealt with before the commencement is taken to be an application for an internal review of a decision requested under section 485 of the Act as applied by section 29(1).

### **37 External review of decisions**

- (1) An information notice given to an applicant under section 485A(2) of the Act as applied by a former provision of a repealed plan is taken to be an information notice given to the applicant under section 485A of the Act as applied by section 29(1).
- (2) An application for an external review of a decision under section 485A(3) of the Act as applied by a former provision of a repealed plan that is not dealt with before the commencement is taken to be an application for an external review of a decision under section 485A of the Act as applied by section 29(1).

[s 38]

---

### **38 References to repealed plan**

- (1) In a document a reference to a repealed plan may, if the context permits, be taken to be a reference to this regulation.
- (2) Subsection (1) does not limit the application of the *Acts Interpretation Act 1954*, section 14H.

---

## **Schedule 1      Gold Coast waters**

sections 4(1)(a), 7(1), 8(1), 9(1), 18 or 19(1)(a)

### **Part 1                      Regulated waters**

- 1 the waters below the high water mark of Moreton Bay and the Broadwater, and all rivers, creeks, lakes, canals and navigable channels, south of latitude 27°41' south and east of longitude 153° east

### **Part 2                      Restrictions on use**

#### **Division 1                  Waters where watercraft not to be anchored, moored or kept for more than 24 hours**

- 1 Biggera Creek and its tributaries
- 2 Boobegan Creek and its tributaries
- 3 waters of the Broadwater—
  - (a) between—
    - (i) the Nerang River Gold Coast Bridge linking Southport to Main Beach; and
    - (ii) an imaginary line running east from the northern tip of the boat ramp near the Southport olympic swimming pool; and
  - (b) within 100m of the shores of the Sovereign Islands or Ephraim Island

Schedule 1

---

- 4 waters of the Bundall flood channel between Ashmore Road and Racecourse Road
- 5 waters known as Burleigh Lake, Lake Heron, Miami Lake, Pelican Lake, Silvabank Lake and Swan Lake located adjacent to Christine Avenue, Burleigh Waters
- 6 waters known as Lake Cappabella located adjacent to Marbella Drive and Cabana Boulevard, Benowa
- 7 waters known as Clear Island Lake located adjacent to Bermuda Street and Robina Parkway, Clear Island Waters
- 8 canals
- 9 Coombabah Creek and its tributaries
- 10 the Coomera River and its tributaries
- 11 Currumbin Creek and its tributaries
- 12 waters located adjacent to Cyclades Crescent, Currumbin
- 13 waters located adjacent to Cypress Drive, Broadbeach Waters
- 14 Hollywell Harbour
- 15 waters known as Lake Hugh Muntz located adjacent to Barrier Reef Drive, Mermaid Waters
- 16 waters known as Lake Lido located adjacent to Cheltenham Drive, Robina
- 17 Loders Creek and its tributaries
- 18 waters known as Monterey Keys located adjacent to Saltwater Creek, Helensvale
- 19 Mudgeeraba Creek and its tributaries
- 20 the Nerang River, and its tributaries, upstream of the Nerang River Gold Coast Bridge linking Southport to Main Beach
- 21 waters located adjacent to Nineteenth Avenue and Angelica, Ironbark and Acron Streets, Elanora
- 22 waters known as Lake Orr located adjacent to Bond University, Robina
- 23 waters known as Paradise Lake located adjacent to Burrendong Road and Lefroy Drive, Coombabah

- 24 Paradise Point Boat Harbour
- 25 waters known as Pine Lake located adjacent to Murtha Drive and Guineas Creek Road, Elanora
- 26 waters known as Robina Waters located adjacent to Bermuda Street, Robina
- 27 waters known as Lake Rosser located adjacent to Marbella Drive and Cabana Boulevard, Benowa
- 28 waters known as Lake Runaway located adjacent to Kangaroo Avenue and Marsupial Drive, Runaway Bay
- 29 waters located adjacent to Santa Cruz Boulevard, Clear Island Waters
- 30 Tallebudgera Creek and its tributaries
- 31 waters known as West Lake located adjacent to Ron Penhaligon Way, Robina

**Division 2                      Waters where watercraft not to be anchored, moored or kept for more than 7 days**

- 1 waters of the southern Broadwater between—
  - (a) an imaginary line running east from the northern tip of the boat ramp near the Southport olympic swimming pool; and
  - (b) an imaginary line running east-west through the north-east tip of Wavebreak Island

**Division 3                      Waters where watercraft must not be anchored or moored for more than 7 days in 1 locality**

- 1 waters of the northern Broadwater between—

Schedule 1

---

- (a) an imaginary line running east-west through the north-east tip of Wavebreak Island; and
  - (b) an imaginary line running east from the southern tip of Rat Island near the mouth of the south arm of the Coomera River.
- 2 However, the waters do not include waters within 100m of the shores of the Sovereign Islands or Ephraim Island.

#### **Division 4                      Waters where waterskiing prohibited**

- 1 the Coomera River (south arm)
- 2 the Nerang River, and adjoining waters, upstream of the Nerang River Gold Coast Bridge linking Southport to Main Beach, other than—
  - (a) between Bosun Parade, Ashmore and Ross Street, Carrara; or
  - (b) between Ross Street, Carrara and Hoy Street, Broadbeach Waters between 7a.m. and 7p.m.; or
  - (c) between Capri Bridge and Bundall Road Bridge, Sorrento between 8a.m. and 4p.m.
- 2 Tallebudgera Creek other than between 7a.m. and 7p.m. between—
  - (a) the boat ramp at Awonga Avenue, Burleigh Heads; and
  - (b) Mallowa Drive, Palm Beach

#### **Division 5                      Waters where freestyling, surfing and wave jumping prohibited**

- 1 Biggera Creek and its tributaries
- 2 Boobegan Creek and its tributaries
- 3 waters of the Broadwater—

- 
- (a) between—
    - (i) the Nerang River Gold Coast Bridge linking Southport to Main Beach; and
    - (ii) an imaginary line running east from the northern tip of the boat ramp near the Southport olympic swimming pool; and
  - (b) within 100m of the shores of the Sovereign Islands or Ephraim Island; and
  - (c) within 100m of the western shore of the Broadwater between the Gold Coast Highway bridge, Main Beach and an imaginary line running east from the southern tip of Rat Island near the mouth of the south arm of the Coomera River
- 4 waters of the Bundall flood channel between Ashmore Road and Racecourse Road
  - 5 waters known as Burleigh Lake, Lake Heron, Miami Lake, Pelican Lake, Silvabank Lake and Swan Lake located adjacent to Christine Avenue, Burleigh Waters
  - 6 waters known as Lake Cappabella located adjacent to Marbella Drive and Cabana Boulevard, Benowa
  - 7 waters known as Clear Island Lake located adjacent to Bermuda Street and Robina Parkway, Clear Island Waters
  - 8 canals
  - 9 Coombabah Creek and its tributaries
  - 10 the Coomera River and its tributaries
  - 11 Currumbin Creek and its tributaries
  - 12 waters located adjacent to Cyclades Crescent, Currumbin
  - 13 waters located adjacent to Cypress Drive, Broadbeach Waters
  - 14 Hollywell Harbour
  - 15 waters known as Lake Hugh Muntz located adjacent to Barrier Reef Drive, Mermaid Waters
  - 16 waters known as Lake Lido located adjacent to Cheltenham Drive, Robina

Schedule 1

---

- 17 Loders Creek and its tributaries
- 18 waters known as Monterey Keys located adjacent to Saltwater Creek, Helensvale
- 19 Mudgeeraba Creek and its tributaries
- 20 the Nerang River, and its tributaries, upstream of the Nerang River Gold Coast Bridge linking Southport to Main Beach
- 21 waters located adjacent to Nineteenth Avenue and Angelica, Ironbark and Acron Streets, Elanora
- 22 waters known as Lake Orr located adjacent to Bond University, Robina
- 23 waters known as Paradise Lake located adjacent to Burrendong Road and Lefroy Drive, Coombabah
- 24 Paradise Point Boat Harbour
- 25 waters known as Pine Lake located adjacent to Murtha Drive and Guineas Creek Road, Elanora
- 26 waters known as Robina Waters located adjacent to Bermuda Street, Robina
- 27 waters known as Lake Rosser located adjacent to Marbella Drive and Cabana Boulevard, Benowa
- 28 waters known as Lake Runaway located adjacent to Kangaroo Avenue and Marsupial Drive, Runaway Bay
- 29 waters located adjacent to Santa Cruz Boulevard, Clear Island Waters
- 30 Tallebudgera Creek and its tributaries
- 31 waters known as West Lake located adjacent to Ron Penhaligon Way, Robina



---

## **Schedule 2      Sunshine Coast waters**

section 4(1)(b), 6, 11(1), or 19(1)(b)

### **Part 1                      Regulated waters**

the waters below high water mark of—

- 1      Castaways Creek
- 2      Lake Cooroibah
- 3      Lake Cootharaba
- 4      Cornmeal Creek
- 5      Currimundi Lake
- 6      Doonella Lake
- 7      Keyser Channel
- 8      the Maroochy River
- 9      the Mooloolah River
- 10     the Noosa River
- 11     the Noosa River Canal Estate
- 12     Pumicestone Strait (commonly known as Pumicestone Passage), and adjoining waters, north of a line from latitude 27°06' south on the mainland shore to South Point on Bribie Island
- 13     Stumer Creek
- 14     Tooway Creek
- 15     Lake Weyba
- 16     Weyba Creek
- 17     waters adjoining waters described in item 1 to 16

## **Part 2                      Restrictions on use**

### **Division 1                      Waters where watercraft not to be anchored, moored or kept aground**

- 1    Currimundi Lake and adjoining waters

### **Division 2                      Waters where watercraft not to be anchored etc. if unoccupied**

- 1    Pumicestone Strait (commonly known as Pumicestone Passage) north of Bells Creek

### **Division 3                      Waters where living on watercraft prohibited**

- 1    Currimundi Lake and adjoining waters
- 2    the Maroochy River and adjoining waters
- 3    the Mooloolah River and adjoining waters, other than commercial marinas and waters of the State owned boat harbour at Mooloolaba
- 4    the Noosa River, and adjoining waters, downstream of a line running 333° true from Munna Point
- 5    Lake Doonella and the waters of the Noosa River Canal Estate
- 6    Tooway Creek

### **Division 4                      Waters where freestyling, surfing and wave jumping prohibited**

- 1    the Maroochy River within—

- 
- (a) 50m of the southern shore of the Maroochy River downstream of the Sunshine Motorway Bridge; or
    - (b) 50m of the northern shore of the Maroochy River downstream of where Nojoor Road would intersect with the Maroochy River if it were to extend to the river
  - 2 the Mooloolah River and adjoining waters
  - 3 Pumicestone Strait (commonly known as Pumicestone Passage)—
    - (a) between Bells Creek and a line running 200° True to Bribie Island from where Knox Avenue, Caloundra would meet the shore of Pumicestone Strait if Knox Avenue were to continue to the shore; or
    - (b) within 100m of the mainland shore, between Glass Mountain Creek and Bribie Island Bridge; or
    - (c) within 100m of the shore of Bribie Island south of Wrights Creek on Bribie Island
  - 4 Tooway Creek
  - 5 waters in relation to which the general manager has stated, by gazette notice under the *Transport Operations (Marine Safety) Regulation 2004*, section 221(4), that conducting waterskiing endangers marine safety other than the Maroochy River—
    - (a) upstream of the David Low Bridge at Bli Bli; or
    - (b) downstream of the Sunshine Motorway Bridge

## **Schedule 3      Fees**

section 31

	\$
1    Application fee for take off and landing approval (ss 21(2)(c) or 23(2)(c)) .....	83.25

---

## Schedule 4 Dictionary

## section 2

**activity** means—

- (a) living on board a watercraft; or
- (b) constructing, reconstructing, refitting or making structural repairs to a watercraft; or
- (c) taking off or landing an aircraft.

**adjoining waters** include waters connected to each other by other waters.

**administering agency** —

- (a) for regulated waters that are Gold Coast waterways—the Authority; or
- (b) for regulated waters other than Gold Coast waterways—the chief executive.

**anchoring** does not include genuine transient anchoring.

*Examples of genuine transient anchoring—*

- 1 anchoring to fish from a watercraft
- 2 anchoring for 15 minutes to buy bait or unload gear

**application fee**, for an approval, means the fee for the approval stated in schedule 3.

**approval**, for an activity, means—

- (a) for living on board a watercraft—a living on board approval; or
- (b) for constructing, reconstructing, refitting or repairing the structure of a watercraft—a watercraft works approval; or
- (c) for taking off or landing an aircraft—a take off and landing approval.

**approval holder**, for an approval, means a person who holds the approval.

**approved structure** means—

- (a) a structure constructed with the sanction of the Governor in Council under the repealed *Harbours Act 1955*, section 86; or
- (b) a structure, such as a navigation aid, sign, jetty, mooring or tidal work, approved under the *Transport Operations (Marine Safety) Act 1994* or the Planning Act.

**Authority** means the Gold Coast Waterways Authority established under the *Gold Coast Waterways Authority Act 2012*.

**commencement**, for part 9, division 2, see section 34.

**former provision**, for a repealed plan, see section 34.

**freestyle**, for use of a watercraft, means drive the watercraft in a way that its course or speed is insufficiently predictable to allow masters of other watercraft, if they were in the vicinity, to readily decide what course and speed to take to avoid a collision with the watercraft.

**Gold Coast waters** see section 4(1)(a).

**Gold Coast waterways** see the *Gold Coast Waterways Authority Act 2012*, section 7(2).

**living on board approval** see section 12.

**marina** means a buoy mooring, jetty or pile mooring (each the *place*) or combination of the places, at which, for a fee or reward, a ship is, or may be, anchored, berthed or moored.

**MSQ** means Maritime Safety Queensland established under the *Maritime Safety Queensland Act 2002*.

**prescribed review information**, for a decision for an administering agency, means information that a person to whom a notice about the decision is given under section 22(3) or (4), 25(4) or 26(1) may—

- (a) for a decision made by the chief executive—

- 
- (i) ask for the decision to be reviewed by the chief executive under section 485 of the Act, as applied under section 29; and
  - (ii) ask for the chief executive's decision on the review (the **reviewed decision**) to be reviewed by QCAT under section 485A of the Act, as applied under section 29; and
- (b) for a decision made by the Authority—
- (i) ask for the decision to be reviewed by the Authority under the *Gold Coast Waterways Authority Act 2012*, section 36, as applied under section 30; and
  - (ii) ask for the Authority's decision (also the **reviewed decision**) on the review to be reviewed by QCAT under *Gold Coast Waterways Authority Act 2012*, section 37, as applied under section 30; and
- (c) apply to QCAT for the decision to be stayed under the *Transport Planning and Coordination Act 1994*, part 5, division 2; and
- (d) apply for a reviewed decision under paragraphs (a)(ii) or (b)(ii) to be stayed under the QCAT Act.

**regulated waters** see section 4(1).

**repealed plan**, for part 9, division 2, see section 34.

**shore** means the shore at low water mark.

**stated**, in relation to an approval, means stated in the approval.

**Sunshine Coast waters** see section 4(1)(b).

**surf**, for use of a watercraft, means drive the watercraft down a breaking wave, wake or swell.

**take off and landing approval** see section 17.

**watercraft works approval** see section 15.

**waterski** means tow a person by a line attached to a watercraft, including, for example, tow a person riding on a toboggan or tube.

***wave jump***, for use of a watercraft, means drive the watercraft over a breaking wave, wake or swell in order to make the watercraft airborne, other than in the ordinary course of navigation.



# Endnotes

## 1 Index to endnotes

	Page
2 Date to which amendments incorporated . . . . .	39
3 Key . . . . .	39
4 Table of reprints . . . . .	40
5 List of legislation . . . . .	40
6 List of annotations . . . . .	40

## 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). However, no amendments have commenced operation on or before that day. Future amendments of the Transport Infrastructure (Waterways Management) Regulation 2012 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

## 3 Key

### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

## 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	none	14 December 2012	

## 5 List of legislation

### *Regulatory impact statements*

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

### *Explanatory notes*

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

### **Transport Infrastructure (Waterways Management) Regulation 2012 SL No. 231**

made by the Governor in Council on 13 December 2012

notfd gaz 14 December 2012 pp 548–52

commenced on date of notification

exp 1 September 2023 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

## 6 List of annotations

### **PART 10—AMENDMENT OF STATE PENALTIES ENFORCEMENT REGULATION 2000**

pt 10 (ss 39–40) om R1 (see RA ss 7(1)(k) and 40)