



Queensland

# Gold Coast Waterways Authority Regulation 2012

## Subordinate Legislation 2012 No. 232

made under the

*Gold Coast Waterways Authority Act 2012*

*Crime and Misconduct Act 2001*

*Industrial Relations Act 1999*

*State Penalties Enforcement Act 1999*

*Sustainable Planning Act 2009*

*Transport Operations (Marine Pollution) Act 1995*

*Transport Operations (Marine Safety) Act 1994*

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## **Part 1 Preliminary**

### **1 Short title**

This regulation may be cited as the *Gold Coast Waterways Authority Regulation 2012*.

## **Part 2 Marina owner levy**

### **2 Marina owner levy—Act, s 42**

- (1) The annual levy payable by the owner of a marina under section 42 of the Act is the total of the amounts payable for each berth at the marina worked out under subsection (2).
- (2) For subsection (1), the amount payable for each berth is as follows—
  - (a) if the berth is not more than 12m in length—\$186.15;
  - (b) if the berth is more than 12m but not more than 18m in length—\$198.55;
  - (c) if the berth is more than 18m in length—\$222.15.
- (3) A reference in subsection (2) to the length of a berth is a reference to its length as at 31 December immediately before the levy is to be paid.







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<p>‘15B Operational work made assessable under schedule 3, part 1, table 4, item 5, carried out in Gold Coast waters that is—</p> <ul style="list-style-type: none"><li>(a) tidal works; or</li><li>(b) disposing of dredge spoil or other solid waste material in tidal water; or</li><li>(c) reclaiming land under tidal water; or</li><li>(d) constructing a canal, if the canal is associated with reconfiguring a lot</li></ul>	<p>The Gold Coast Waterways Authority established under the <i>Gold Coast Waterways Authority Act 2012</i>—as a concurrence agency</p>	<p>The purposes of the <i>Gold Coast Waterways Authority Act 2012</i>’.</p>
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### 13 Amendment of sch 26 (Dictionary)

Schedule 26—

*insert—*

‘*Gold Coast waters* see the *Gold Coast Waterways Authority Act 2012*, section 7(1).’.

## Part 8 Amendment of Transport Operations (Marine Pollution) Regulation 2008

### 14 Regulation amended

This part amends the *Transport Operations (Marine Pollution) Regulation 2008*.

### 15 Amendment of s 80 (Authorised officers)

(1) Section 80(1), ‘72(1)(c)’—

*omit, insert—*

‘72(1)(e)’.

- (2) Section 80(1)(da) to (f)—  
*renumber* as section 80(1)(e) to (g).

## **Part 9                      Amendment of Transport Operations (Marine Safety) Regulation 2004**

### **16        Regulation amended**

This part amends the *Transport Operations (Marine Safety) Regulation 2004*.

### **17        Amendment of s 147 (Definitions for pt 6)**

- (1) Section 147, definition *administering agency*—  
*insert*—  
‘(aa) for an authority mentioned in section 148(1)(j) or (k)  
that relates to Gold Coast waters—the Gold Coast  
Waterways Authority; or’.
- (2) Section 147, definition *administering agency*, paragraphs (aa)  
and (b)—  
*renumber* as section 147, definition *administering agency*,  
paragraphs (b) and (c).

### **18        Amendment of s 204A (Appointment of shipping inspectors)**

Section 204A, ‘157(1)(d)’—  
*omit, insert*—  
‘157(1)(f)’.

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**19 Amendment of s 207 (Buoy mooring category areas)**

Section 207(1), after ‘Queensland waters’—

*insert—*

‘other than Gold Coast waters’.

**20 Insertion of new s 207A**

After section 207—

*insert—*

**‘207A Buoy mooring category areas in Gold Coast waters**

- ‘(1) The Gold Coast Waterways Authority may, by gazette notice, define an area of Gold Coast waters as one of the following category areas for buoy moorings—
- (a) a category 1 area;
  - (b) a category 2 area.
- ‘(2) An area of Gold Coast waters that is not defined as a category 1 or 2 area is a category 3 area.
- ‘(3) The Gold Coast Waterways Authority may, by written agreement with a person (a *mooring manager*), vest in the person the management and control of buoy moorings within a category 1 area in Gold Coast waters.’.

**21 Amendment of s 208 (Establishment of unauthorised buoy mooring)**

- (1) Section 208(2) and (3)—

*omit, insert—*

- ‘(2) If a person establishes a buoy mooring in contravention of subsection (1), the following may direct the person to remove the buoy mooring—
- (a) if the buoy mooring is established in a pilotage area in Queensland waters other than Gold Coast waters—a harbour master;

- 
- (b) if the buoy mooring is established in Gold Coast waters—the Gold Coast Waterways Authority;
  - (c) otherwise—the general manager.’.
  - (2) Section 208(4), ‘or (3)’—  
*omit.*
  - (3) Section 208(5)(b)—  
*omit, insert—*
    - ‘(b) in a category 2 or 3 area, unless the establishment of the buoy mooring has been approved under section 209 by—
      - (i) if the area is in Gold Coast waters—the Gold Coast Waterways Authority; or
      - (ii) otherwise—the general manager.’.
  - (4) Section 208(4) and (5)—  
*renumber* as section 208(3) and (4).

**22 Amendment of s 209 (Approval of establishment of buoy mooring by general manager)**

- (1) Section 209, heading, ‘by general manager’—  
*omit.*
- (2) Section 209(1)—  
*omit, insert—*
  - ‘(1) The following may approve the establishment of a buoy mooring for a category 2 or 3 area—
    - (a) if the area is in Gold Coast waters—the Gold Coast Waterways Authority;
    - (b) otherwise—the general manager.’.

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**23 Amendment of s 210 (Limitations on buoy mooring approvals)**

- (1) Section 210(1), ‘general manager may’—  
*omit, insert—*  
‘general manager or Gold Coast Waterways Authority may’.
- (2) Section 210(1) and (2), ‘general manager is’—  
*omit, insert—*  
‘general manager or authority is’.
- (3) Section 210(2), ‘general manager may’—  
*omit, insert—*  
‘general manager or authority may’.

**24 Amendment of s 211 (Conditions of buoy mooring approvals)**

Section 211, after ‘general manager’—  
*insert—*  
‘or Gold Coast Waterways Authority’.

**25 Amendment of s 212 (Notice of establishment of buoy mooring)**

- (1) Section 212(2), after ‘general manager’—  
*insert—*  
‘or Gold Coast Waterways Authority’.
- (2) Section 212(3), after ‘general manager’—  
*insert—*  
‘or authority’.
- (3) Section 212(4)(a) and (b)—  
*omit, insert—*

- 
- ‘(a) for a buoy mooring established in a pilotage area in Queensland waters other than Gold Coast waters—a harbour master; or
  - (b) for a buoy mooring established in the Gold Coast waters—the Gold Coast Waterways Authority; or
  - (c) otherwise—the general manager.’

**26 Amendment of s 213 (Buoy mooring to display identifying number)**

Section 213(a), after ‘general manager’—

*insert—*

‘or Gold Coast Waterways Authority’.

**27 Amendment of s 215 (Removal of buoy mooring on expiry, cancellation or surrender of approval)**

Section 215(4), from ‘subsection (3)’—

*omit, insert—*

‘subsection (3), the following may direct the person to remove the mooring, apparatus or block—

- (a) if the buoy mooring is established in a pilotage area in Queensland waters other than Gold Coast waters—the harbour master;
- (b) if the buoy mooring is established in Gold Coast waters—the Gold Coast Waterways Authority;
- (c) otherwise—the general manager.’

**28 Amendment of pt 9, div 5, hdg (Directions of harbour master or general manager)**

Part 9, division 5, heading, after ‘harbour master’—

*insert—*

‘, Gold Coast Waterways Authority’.

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**29 Amendment of s 216 (Harbour master or general manager may carry out direction)**

- (1) Section 216, heading, after ‘Harbour master’—  
*insert—*  
‘, **Gold Coast Waterways Authority**’.
- (2) Section 216(1)(b), ‘the general manager’—  
*omit, insert—*  
‘the Gold Coast Waterways Authority or general manager’.
- (3) Section 216(2)(a), after ‘harbour master’—  
*insert—*  
‘, the authority’.
- (4) Section 216(2)(b), (3), (4) and (5), after ‘harbour master’—  
*insert—*  
‘, authority’.

**30 Amendment of s 217 (Recovery by State of expenses of carrying out direction)**

- Section 217(1), ‘or the general manager’—  
*omit, insert—*  
‘, the Gold Coast Waterways Authority or general manager’.

**31 Amendment of s 218 (Aquatic events)**

- (1) Section 218(2)(a) and (b)—  
*omit, insert—*
  - ‘(a) if the event is to be held wholly within a pilotage area in Queensland waters other than Gold Coast waters—the harbour master for the pilotage area; or
  - (b) if the event is to be held wholly within Gold Coast waters—the Gold Coast Waterways Authority; or

- (c) otherwise—the general manager.’.
- (2) Section 218(3), after ‘the general manager’—  
*insert—*  
‘or Gold Coast Waterways Authority’.

### **32 Insertion of new ss 244 and 245**

After section 243—

*insert—*

#### **‘244 Transitional provision for Gold Coast Waterways Authority Regulation 2012—buoy mooring approval**

- ‘(1) This section applies to an approval for the establishment of a buoy mooring given by the general manager under the previous approval provision if—
- (a) the buoy mooring is established in Gold Coast waters;  
and
- (b) the approval is in effect immediately before the commencement.
- ‘(2) The approval is taken to have been given by the Gold Coast Waterways Authority under section 209.
- ‘(3) In this section—

*commencement* means the commencement of this section.

*previous approval provision* means section 209 as in force immediately before the commencement.

#### **‘245 Transitional provision for Gold Coast Waterways Authority Regulation 2012—aquatic event consent**

- ‘(1) This section applies to consent for the holding of an aquatic event given by the general manager under the previous consent provision if—
- (a) the event is to be held wholly within Gold Coast waters;  
and

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- (b) the consent is in effect immediately before the commencement.
- ‘(2) The consent is taken to have been given by the Gold Coast Waterways Authority under section 218.
- ‘(3) In this section—  
*commencement* means the commencement of this section.  
*previous consent provision* means section 218 as in force immediately before the commencement.’.

### **33 Amendment of sch 15 (Dictionary)**

Schedule 15, definition *mooring manager*—

*omit, insert*—

‘*mooring manager*, of buoy moorings, means—

- (a) for buoy moorings in Queensland waters other than Gold Coast waters—see section 207(3); or
- (b) for buoy moorings in Gold Coast waters—see section 207A(3).’.

## Schedule 1 State contracts novated to the Authority

section 4

<b>Parties described in contract</b>	<b>Subject of contract</b>	<b>Date</b>
Gold Coast City Council, Marine Queensland and The State of Queensland represented by the Department of Transport and Main Roads	Funding agreement in relation to the Gold Coast Waterways Steering Committee for coastal, foreshore and waterway infrastructure work	15 July 2010
The State of Queensland acting through Transport and Main Roads and Birdon (Qld) Pty Ltd	Gold Coast Broadwater Dredging 2012	5 October 2012
The State of Queensland acting through Maritime Safety Queensland and McQuade Marine No 2 Pty Ltd	Coomera River Maintenance Dredging 2012	27 March 2012
The State of Queensland acting through the Maritime Safety Agency of Queensland and McQuade Marine No 2 Pty Ltd	Jacobs Well Navigation Channel Maintenance Dredging 2010	7 April 2011

## Schedule 1

<b>Parties described in contract</b>	<b>Subject of contract</b>	<b>Date</b>
The State of Queensland acting through the Maritime Safety Agency of Queensland and McQuade Marine No 2 Pty Ltd	Gold Coast Seaway Maintenance Dredging and Beach Nourishment 2011	5 May 2011
Department of Transport and Main Roads and Raymond John Balkin and Ethel Moya Balkin	Seaway Kiosk Lease	21 October 2005
Department of Transport and Main Roads and J & P Richardson Industries Pty Ltd	Replacement of the Low Voltage Transformer at the Sand Bypass System	26 June 2012
Department of Transport and Main Roads and HydroChem	Maintenance contract for air conditioning cooling tower	30 June 2012
Department of Transport and Main Roads and Clearwater Services Pty Ltd	Maintenance contract for septic system at Seaway Kiosk Doug Jennings Park	1 April 2012

## ENDNOTES

- 1 Made by the Governor in Council on 13 December 2012.
- 2 Notified in the gazette on 14 December 2012.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Transport and Main Roads.