

9.1 Area 1 – North and South Maroochy Rivers to Brown's Rocks

The North and South Maroochy Rivers meander from their respective sources at Eerwah Vale and the Wappa Dam and join to form the Maroochy River at Yandina. Area 1 of the Maroochy River is the section of the river from its confluence with the north and south arms to Brown's Rocks, which are approximately 1.6 kilometres further downstream at the suburb called Maroochy River. Area 1 also includes a very small creek called Caboolture Creek, which flows into the Maroochy River approximately 540 metres upstream of Brown's Rocks.

Land uses along the banks of Area 1 are predominantly agriculture and grazing, with some industrial development near the Bruce Highway at Yandina, and a small amount of rural residential development – there is one dwelling house adjacent to the Area's northern bank at Brown's Rocks. Most riparian vegetation has been cleared from the river's banks, except for narrow strips of less than 10 metres in width.

Some sections of the river's banks are suffering from erosion and instability. The bank instability is probably due to vegetation clearance, stock damage, wave action and rainwater runoff. There are no conservation parks along the banks of Area 1.

The waters of Area 1 are navigable for small powered ships up to five metres in length, like small dinghies and speed boats; and passive craft, like canoes and kayaks. The depth of navigable water varies from less than one metre to about five metres at lowest astronomical tide. The width of navigable water reduces from approximately 70 metres near Brown's Rocks to less than 40 metres at the confluence of the Maroochy River with its north and south arms. The Reference Group noted that Area 1 should be considered confined waters.

The waters of Caboolture Creek are extremely narrow and shallow. The creek is navigable by only the smallest of ships, like dinghies, kayaks and canoes.

Brown's Rocks represent a significant hazard to the navigation of ships in the middle of the river. There are also two rock bars about 500 metres and 700 metres respectively upstream of Caboolture Creek, before the river's confluence with the north and south arms. There are currently no signs or aids to navigation to warn ship masters of these hazards.

Water skiing activities are prohibited on waters of Area 1.

There are no aids to navigation in Area 1, but there is a water skiing sign at Brown's Rocks.

There are no public boat ramps for Area 1.

Maritime Safety Queensland does not conduct regular hydrographic surveys of Area 1. The most recent survey was conducted during February 2001.

9.1.1 Waterway users and issues

The user density for Area 1 ranges from very low to low, even during weekends, public holidays and school holidays.

The waterway users of Area 1 are predominantly:

- small recreational dinghies and speed boats engaged in recreational fishing
- occasional fast moving recreational personal watercraft
- slow moving recreational passive craft, like kayaks and canoes
- occasional shore-based recreational fishers and swimmers.

Brown's Rocks create a natural barrier for most ship operations.

The Reference Group identified two prevailing waterway issues for Area 1:

- the area's natural features, which mean that ships cannot navigate safely at high speed
- conflict between powered ships navigating at speed with anchored ships and passive craft, due to the narrow width of the waterway.

Maritime Safety Queensland has received one report of a marine incident in Area 1 since July 2000 – recreational speed boat collided with Brown's Rocks during January 2006.

9.1.2 Existing legislative requirements

A general smooth water speed limit of 40 knots applies to all ships on Area 1 (including Caboolture Creek) because no other speed limit has been fixed for this section of the Maroochy River. The general speed limit was fixed by gazette notice on 21 May 2004.

A speed limit of 30 knots or less applies to all personal watercraft used for hire and drive operations, following recommendations from a coronial report in March 2010. The speed limit was fixed by gazette notice on 27 May 2011.

A speed limit of 6 knots applies to all ships on waters upstream of the confluence of the Maroochy River with its north and south arms. This speed limit was also fixed by gazette notice on 21 May 2004.

The operational speed limits provided by sections 127, 127A and 128 of the *Transport Operations (Marine Safety) Regulation 2004* also apply.

All waters of Area 1 (including all watercourses and canals flowing into it) are stated by gazette notice as waters where water skiing is an activity that endangers marine safety. The gazette notice was published on 28 February 1997.

Maritime Safety Queensland has not received any complaints regarding contraventions of marine safety legislation in Area 1, since at least January 2007.

9.1.3 Recommendations

Area 1 of the Maroochy River is a narrow and often shallow waterway subject to low levels of ship traffic, even on weekends, public holidays and school holidays. Brown's Rocks are a significant hazard to navigation.

The Reference Group believes the existing water skiing prohibition achieves an acceptable level of marine safety and should be maintained, except that the boundary of the prohibition should not be Brown's Rocks themselves but an imaginary line a reasonable distance downstream of the navigation hazard.

The Reference Group believes that high-speed ship operations on Area 1 endanger marine safety, because of the river's natural features. The group contends that a ship's master navigating these waters at high speed is unable to satisfy the general safety obligation imposed by section 43 of the *Transport Operations (Marine Safety) Act 1994*.

The Reference Group also believes that high-speed ship operations on Caboolture Creek are unsafe.

Consequently, the Reference Group believes that the existing regulatory regime for Area 1 should be expanded to provide a better marine safety system, and therefore makes the following recommendations:

General recommendations

- 1 – Enforcement presence
- 2 – New speed limit of 6 knots for creeks and waterways flowing into Maroochy River
- 3 – Existing water skiing prohibition for creeks and waterways flowing into Maroochy River
- 4 – New speed signs
- 5 – New water skiing signs
- 6 – Update Beacon to Beacon
- 7 – Review of new speed limits and water skiing prohibitions by December 2012

Specific recommendations

9 – North and South Maroochy Rivers – existing speed limits of 6 knots

That the General Manager should maintain the existing speed limits of 6 knots for all ships on waters of North Maroochy River and South Maroochy River upstream of the confluence of these rivers with Maroochy River at Yandina.

11 – Maroochy River (Areas 1 and 2) – new speed limit of 6 knots

That the General Manager should fix by gazette notice a new speed limit of 6 knots for all ships on waters of Maroochy River within 50 metres upstream and downstream of Brown's Rocks.

12 – Maroochy River (Areas 1 and 2) – new water skiing prohibition

That the General Manager should state by gazette notice a new water skiing prohibition for waters of Maroochy River upstream from 50 metres downstream of Brown's Rocks.

This is an administrative correction to describe the boundary of the water skiing prohibition as 50 metres downstream of Brown's Rocks, instead of the boundary as Brown's Rocks, which are an underwater obstruction and a danger to navigation.

13 – Maroochy River (Area 1) – new warning signs

That Maritime Safety Queensland should erect three new warning signs at strategic location in Area 1 to warn waterway users about obstructions and hazardous conditions that affect navigation:

- *for upstream of Brown's Rocks – one warning sign – POTENTIAL OBSTRUCTIONS / NAVIGATE WITH CAUTION*
- *at Brown's Rocks – two warning signs – UNDERWATER OBSTRUCTION / NAVIGATE WITH CAUTION.*

The Reference Group expressed different views on a speed limit upstream of Brown's Rocks. Some members believe that 20 knots is appropriate because of the low number of marine incidents, the low user density and the absence of marine complaints. However, other members believe that 6 knots is more appropriate because of the river's natural features and the principle of regulatory simplification – 6 knots would be an extension of the speed limit from recommendations 9 and 11.

Consequently, the Reference Group puts forward the following recommendations as options:

10A – Maroochy River (Area 1) – new speed limit of 20 knots – Option 1

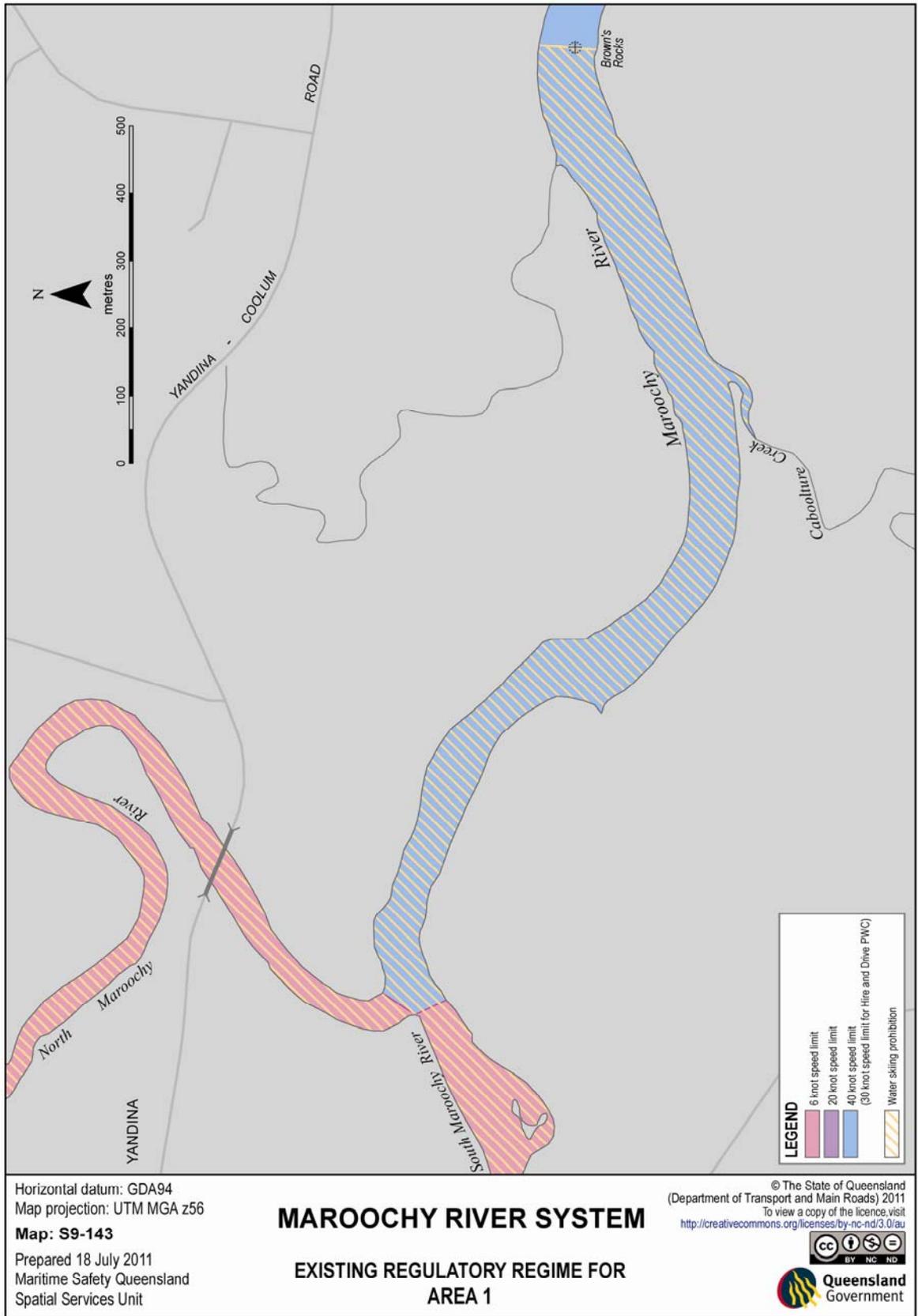
That the General Manager should fix by gazette notice a new speed limit of 20 knots for all ships on waters of Maroochy River upstream from 50 metres upstream of Brown's Rocks to the river's confluence with its north and south arms at Yandina; or alternatively

10B – Maroochy River (Area 1) – new speed limit of 6 knots – Option 2

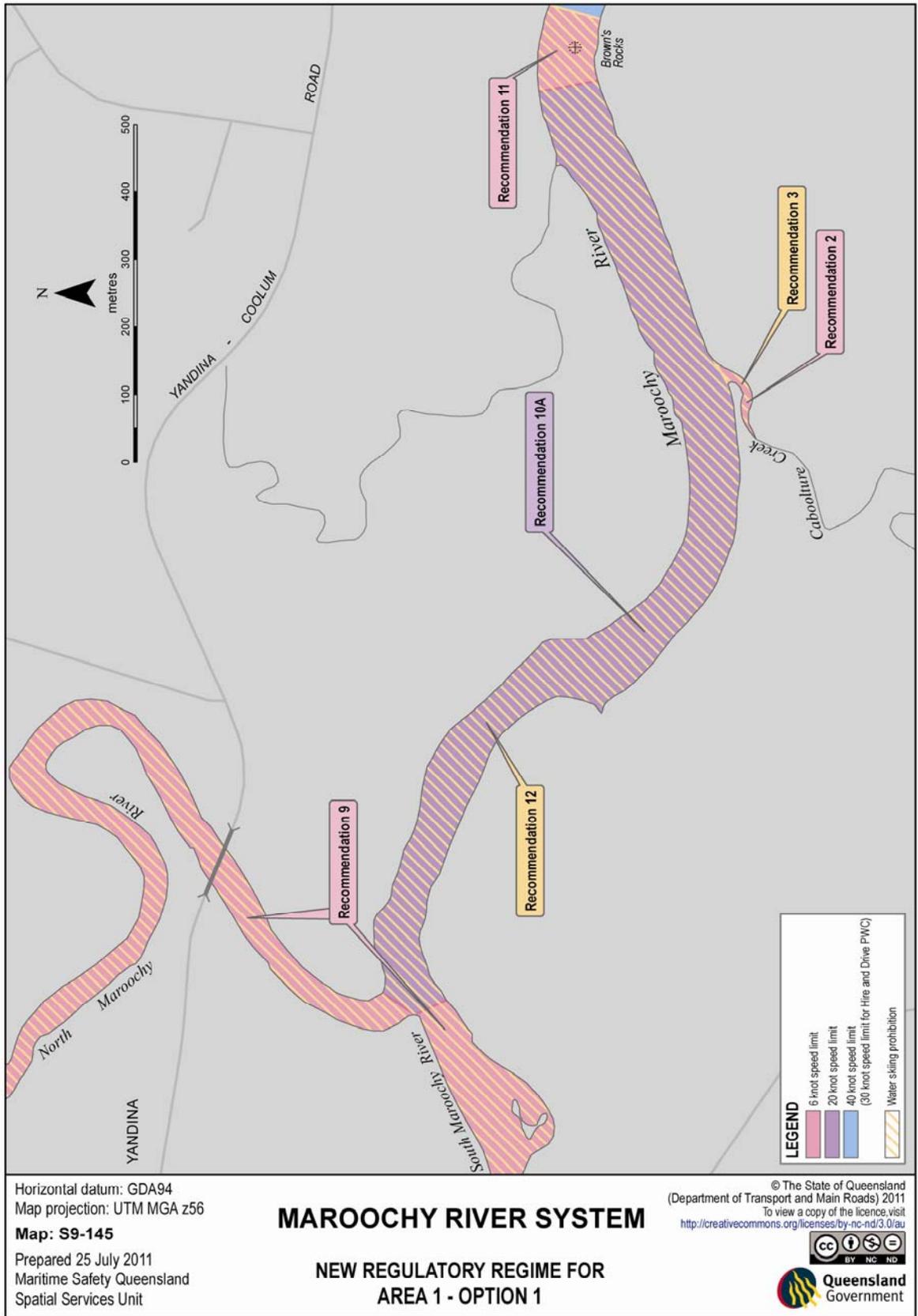
That the General Manager should fix by gazette notice a new speed limit of 6 knots for all ships on waters of Maroochy River upstream from 50 metres upstream of Brown's Rocks to the river's confluence with its north and south arms at Yandina

The Reference Group did not identify any unresolved issues for Area 1.

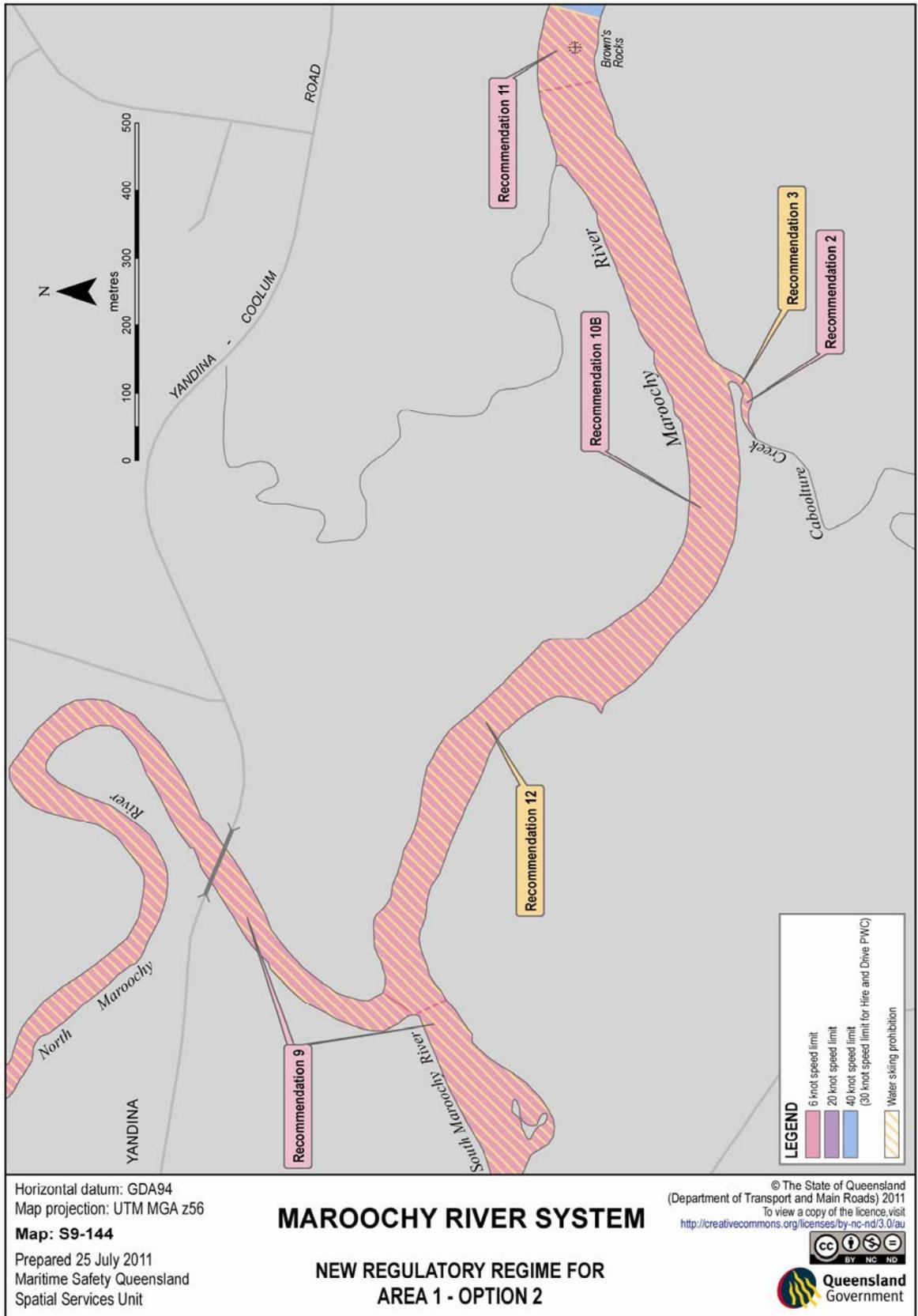
Maps that depict the existing regulatory regime and the new regime recommended by the Reference Group can be found on pages 28 to 30.



Map S9-143 – Existing regulatory regime for Area 1



Map S9-145 – New regulatory regime for Area 1 – Option 1



Map S9-144 – New regulatory regime for Area 1 – Option 2