1. Purpose

This document provides explanatory guidance to support the State’s interests and requirements for maritime safety, mentioned in Module 14 of the State Development Assessment Provisions (SDAP) [http://www.dsdip.qld.gov.au/development-applications/sdap.html](http://www.dsdip.qld.gov.au/development-applications/sdap.html). This document is not a statutory document and applicants must refer to the *Maritime safety state code* in the SDAP where they apply to development applications.

1.1. Why is this issue important?

It is important that any development within a waterway does not impact the safety of people and vessels using the waterway.

1.2. What does the State want to achieve?

When considering an application for development the State aims to ensure that development:

a) supports the operation of aids to navigation to enhance maritime safety

b) supports the safe operation of vessels in navigable waterways.

2. When does an application require referral to the State?

Development in tidal waters that impacts on maritime safety requires referral to the State under Trigger 7.2.15 (Schedule 7, Table 2, Item 15 of the *Sustainable Planning Regulation 2009*).

In particular it applies to operational work that involves:

a) tidal works (excluding a boat ramp, jetty, private single vessel pontoon, drainage outlet, stormwater outlet or revetment wall associated with any of the above in Gold Coast Waters)

b) disposing of dredge spoil or other solid waste material in tidal water

c) reclaiming land under tidal water

d) constructing a canal, if the canal is associated with ‘reconfiguring a lot’.

Tidal waters is the sea and any part of a harbour or watercourse ordinarily within the ebb and flow of the tide at spring tides. The extent of tidal waters under Queensland’s jurisdiction extend three nautical miles seaward from the coastline.

2.1. SDAP Fast Track Framework


The fast track framework is a streamlined Single Assessment and Referral Agency (SARA) referral and assessment process that allows certain aspects of development to be assessed and quickly decided by SARA, and to be subject to a reduced fee.

2.1.1 What types of development can be fast tracked?

Development which can be fast tracked includes:

- private single vessel pontoons
- private single vessel jetties
- private single vessel boat ramps
- drainage outlets
- stormwater outlets.
These types of low risk development only qualify for fast track if the proposed structure and vessel is not proposed to be located within a navigation corridor or high risk maritime development zone. This can be determined using the maritime layers in the SARA Development Assessment Mapping System (DAMS) which is explained in section 2.1.5.

A private single vessel pontoon, jetty or boat ramp is a structure that is constructed over or in tidal waters to serve as a launching or berthing structure for recreational vessels. These structures are constructed to provide private access to private land from tidal water for non-commercial purposes. These structures are designed for a single on-water vessel to be attached to the structure while it remains on the water (this includes a pontoon or jetty with one associated ancillary mooring such as a dry berth or a personal watercraft pod).

Drainage and stormwater outlets are constructed for the purposes of drainage and stormwater discharge. Open drains that are less than 1m deep and have a cross sectional area less than 2.5m² are not classified as tidal works.

2.1.2 What types of development cannot be fast tracked?
Larger scale development including marinas, bridges or pipelines are not subject to the fast track framework and will always require full assessment by SARA. This means provisions in Module 14 of the SDAP will apply as standard assessment.

As stated above, any type of development that encroaches into a navigation corridor or a high risk maritime development zone is not able to be fast tracked.

Please note that the fast track framework does not apply in Gold Coast Waters.

2.1.3 Navigation Corridors
A navigation corridor is the section of a navigable tidal waterway allocated to the movement of vessels. Navigation corridors are generally not suitable for development which may obstruct vessel movements. The length and width of the navigation corridor is determined by the Regional Harbour Master. Navigation corridors replace the historical use of quaylines.

Navigation corridors are mapped in the SARA Development Assessment Mapping System (DAMS) via:

Please note that mapping is currently unavailable for Gold Coast Waters.

2.1.4 High Risk Maritime Development Zones
High risk maritime development zones are those in the vicinity of ports, state boat harbours, marinas, and navigationally difficult areas such as waterways which experience significant shoaling and the waters between and around populated islands.


Please note that mapping is currently unavailable for Gold Coast Waters.

2.1.5 Using the DA mapping system

This mapping allows you to determine if your proposal is located either within the navigation corridor or a high risk maritime development zone.

Attachment 1 provides a diagram outlining how to use the maritime safety layers in the DAMS. To determine if your development proposal will encroach into a navigation corridor:
1. Locate your property and zoom in as close as the map allows, until the scale bar represents 30m. Note: the property boundaries layer (or Digital Cadastral Database – DCDB layer) will be drawn automatically as you zoom in on the map.
2. Turn on the Navigable waterways layer.
3. select the "Measure" from the tool bar.
4. select the "Distance" tool.
5. place your cursor and click on the edge of your property boundary.
6. click again on the edge of navigation corridor to measure the available development envelope.

As stated in the fast track criteria, both the proposed structure and any berthed vessels at the structure need to be outside the navigation corridor to qualify for the fast track framework.

3. Information required for assessment

3.1. All applications
To streamline the assessment process applicants are encouraged to provide the following supporting information:

a) a written description of the proposed works
b) a site layout plan showing the following information:

SDAP Supporting Information – Maritime Safety, Transport and Main Roads, April 2016
i. the designated lot, real property numbers and real property boundaries
ii. the location and dimensions of any proposed and existing structures
iii. the location and dimensions of any wet or dry berths proposed, including the maximum length and beam of the vessel that is to be berthed at the site
iv. the location of structures and moored vessels relative to the navigation corridor and/or high risk maritime development zone if applicable.

3.2. More complex applications

Complex applications are those that may have a significant impact on vessel traffic and/or the functioning of aids to navigation. In addition to the above mentioned information, these applications will also require one or more of the following:

- Vessel Traffic Management Plan
- Aids to Navigation Management Plan
- Marine Execution Plan

Each plan should identify, describe and evaluate all likely impacts on navigational safety from the proposed development. The plan should consider the whole lifecycle of the proposed development including site establishment, staged construction, staged and full operation, renewal, downsizing, closing down and site rehabilitation.

3.2.1. Vessel Traffic Management Plan

A Vessel Traffic Management Plan (VTMP) is required to be prepared by the developer for development applications that may significantly impact the use of a waterway by vessel traffic. This includes a proposal that impedes vessel traffic, limits the depth of a waterway, and/or limits the size of vessels and which can safely navigate a waterway.

Depending on the size and nature of the development, the plan may be quite complex or relatively simple. As a minimum the VTMP should include information on:

a) existing vessel traffic
b) changes in vessel traffic resulting from the proposal
c) projections on how vessel traffic will be managed during all stages of the development.

For more complex applications, additional details should be included about some or all of the following:

a) existing and proposed waterways
b) proposed patterns of operation
c) changes to any existing and new channels or waterways
d) maximum permitted vessel size
e) maximum vessel draughts
f) air draft and/or safe clearance heights for overwater obstructions such as bridges and powerlines
g) underkeel clearance allowance/underkeel calculation methods such as Static Under Keel Clearance (SUKC) and Dynamic Under Keel Clearance (DUKC)
h) trim requirements
i) tidal information.

If applicants require further assistance to prepare a VTMP, please consult with the relevant Regional Harbour Master.

3.2.2. Aids to Navigation Management Plan

For development applications that have the potential to obstruct the line of sight to aids to navigation or interfere with the functioning of aids to navigation, an Aids to Navigation Management Plan (ANMP) is required.

Aids to Navigation include both the visual aids to navigation typically seen marking waterways and vessel traffic services provided by Maritime Safety Queensland’s vessel traffic service centres.

The ANMP should include information on:

a) existing aids to navigation
b) changes to existing aids to navigation
c) new aids to navigation systems
d) infrastructure required for all stages of the proposed development.

The ANMP should include details about:

a) type and characteristics of systems and infrastructure items
b) location and operational network
c) lifecycle costs and schedules
d) operational and maintenance requirements
e) funding schedule
f) existing vessel traffic service systems and infrastructure
g) proposed changes to existing vessel traffic service systems and infrastructure.

3.2.3. Marine Execution Plan

A Marine Execution Plan (MEP) is required to be prepared by a proponent for any development which has the potential to impact vessel movements during the construction phase of the development. The MEP is to be submitted to the relevant Regional Harbour Master at least 14 days prior to commencement of works and subsequently, after any revision is made.

A MEP is intended to be an information document to give an understanding of:

- scheduled movements of vessels involved in the construction phase
4. Other information

When assessing a development application, the state will consider how the development will impact maritime safety. The following maritime safety issues will be considered.

4.1. Lighting

Lighting of structures within, or close to, waterways can interfere or be confused with existing aids to navigation. Being able to clearly see aids to navigation is essential to the safe operation of vessels on waterways.

Development proposals should ensure that any lighting associated with the structure does not interfere with aids to navigation. This can be achieved by shielding lights, avoiding flood lighting and avoiding coloured or flashing lights that may be confused with aids to navigation.

Note that under the Transport Operations (Marine Safety) Act 1994, the Regional Harbour Master has legislative powers to require the:

- modification or removal of development or lighting which may cause distraction, confusion or glare to mariners
- removal of obstructions to navigation
- specific lighting of construction works being undertaken in or near a marine incident area or pilotage area.

4.2. Aids to Navigation

It is essential that any development in a waterway does not interfere with the functioning of an aid to navigation. Development proposals should ensure that aids to navigation can function without restriction. This can be achieved by ensuring development does not:

- obstruct sight lines to an aid to navigation
- restrict access to an aid to navigation for maintenance purposes
- remove any material that may destabilise the aid to navigation.

Note that under the Transport Operations (Marine Safety) Act 1994, it is an offence for any person to:

- unlawfully interfere with an aid to navigation
- trespass on an aid to navigation
- damage an aid to navigation.

4.3. Safe Passage of Vessels Using Waterways

Ensuring a waterway is safe for use by vessels is essential for maritime safety. Development should not limit the use of a waterway by vessels. This can be achieved by ensuring development:

- does not obstruct or temporarily close a waterway to vessel traffic
- does not extend into a navigation corridor
- does not limit the depth of a waterway
- does not limit the size of vessels which can safely navigate the waterway
- structures are appropriately lit and clearly visible to approaching vessels.

4.4. Determining Vessel Size

The size of a vessel to be berthed at a structure requires consideration of the overall waterway in which the vessel will be used. It is recommended that the beam of a vessel should
be no more than one third the width of unobstructed water of a waterway at its narrowest point. This enables vessels to safely pass in all sections of the waterway.

Further resources to assist in the calculation of berth sizes using vessel dimensions can be found in the Australian Standard 3962-2001 Guidelines for design of marinas.

5. Owner’s Consent

Changes have also been made to owner’s consent arrangements as a result of the introduction of the fast track framework for low risk development. These changes take effect from 22 April 2016.

For low risk development that can be fast tracked (as listed in section 2.1.1):

- Applicants can apply direct to the Department of Environment and Heritage Protection (DEHP) for owner’s consent.
- An applicant is not required to seek advice or approval from Maritime Safety Queensland (MSQ) within the Department of Transport and Main Roads in relation to obtaining owner’s consent from the State.
- A water allocation plan does not need to be approved by Transport and Main Roads for submission to the DEHP as part of an owner’s consent process.

For all other development:

- Applicants can apply directly to DEHP for owner’s consent.
- DEHP will forward applications to Transport and Main Roads for assessment and advice once an application has been received.
- Applicants do not need to seek advice from Transport and Main Roads directly prior to lodging an application.
- A water allocation plan does not need to be approved by Transport and Main Roads prior to submission to DEHP as part of an owner’s consent process.

6. Gold Coast Waterways Authority

On 1 December 2012 the Queensland Government established the Gold Coast Waterways Authority to improve access to and management of the Gold Coast waterways. The Gold Coast Waterways Authority has responsibility for Gold Coast Waters which include the inland waterways within the City of Gold Coast local government area as well as the areas at the mouth of the Nerang River, Currumbin Creek and Tallebudgera Creek. Gold Coast Waters are defined in the Gold Coast Waterways Authority Act 2012.

The Gold Coast Waterways Authority may also be a concurrence agency for certain development applications in Gold Coast Waters. Refer to the Schedule 7 of the Sustainable Planning Regulation 2009 for further information.

7. Sources of additional information

Scenario 1 - Standard Assessment Required

The development circled below would require standard assessment. The structure and vessel berthed at the structure encroach into the navigation corridor and therefore the application cannot be fast tracked. Standard assessment against Module 14 of the SDAP applies. Please note that this is an example only.
Scenario 2 - Fast Track Eligible Application

The scenario circled below shows a development that would be eligible for fast track assessment, as the structure and vessel berthed at the structure is outside the navigation corridor. The second picture shows the location in a greyscale cadastre base map which enables applicants to measure from the property boundary to the edge of the navigation corridor to determine the available development envelope. Please note that this is an example only.
Scenario 3 – High Risk Maritime Development Zone, Standard Assessment Required

This scenario shows a high risk maritime development zone. Any development proposed in this zone would require standard assessment against Module 14 of the SDAP. Please note that this is an example only.