

## 9.5 Area 5 – Downstream of Coolum Creek to David Low Bridge

Area 5 of the Maroochy River is a dynamic section of the river from approximately 1,500 metres downstream of Coolum Creek to the David Low Bridge at Bli Bli, and includes a number of small drains. The length of this section is approximately 6.2 kilometres. It is very popular for canoeing, kayaking, recreational fishing and also, where not prohibited, water skiing activities.

Land uses along the banks of Area 5 are predominantly native vegetation and agriculture, with only two areas of rural residential development at Bli Bli: there is one dwelling house near the end of Stoney Wharf Road on the river's western bank; and four dwelling houses at the end of Cook Road on the river's eastern bank. Both banks retain most of their riparian vegetation, except for sections near the dwelling houses, and also a section of the eastern bank about 960 metres in length, which is approximately 1.8 kilometres upstream of the David Low Bridge. Area 5 forms part of the Maroochy fish habitat area under fisheries legislation. There is also a wetland sanctuary that includes approximately 2.2 kilometres of the river's western bank from just upstream of the David Low Bridge.

A section of the river's bank near the end of Cook Road at Bli Bli seems to be suffering from ongoing erosion and instability. This section is approximately 320 metres in length, directly adjacent to the rural residential development. The bank instability is probably due to wave action and rainwater runoff. The Reference Group noted that certain ship operations generate wash capable of causing shoreline damage. The group also acknowledges the concern of the Cook Road residents about erosion and instability near their dwelling houses.

There are four mid-channel islands in Area 5: an unnamed island approximately 3.8 kilometres upstream of the David Low Bridge; and the three Bli Bli Islands approximately 2.7 kilometres upstream of the same bridge. The river's main channel runs to the east of the unnamed island and between the two largest of the Bli Bli Islands. All of the channels around the islands change constantly through movement of sand banks.

The waters of Area 5 are navigable for small powered ships up to seven metres in length, mainly because the clearance height of the David Low Bridge is 2.8 metres at highest astronomical tide. The depth of navigable water in the main channel varies from about one metre to six metres at lowest astronomical tide. The width of navigable waters varies considerably from:

- approximately 110 metres at the start of Area 5 downstream from Coolum Creek
- less than 50 metres within the channel to the east of the unnamed island
- approximately 120 metres just downstream of the unnamed island
- approximately 10 metres [sic] near a sharp bend just upstream of the Bli Bli Islands
- approximately 75 metres within the channel between the main Bli Bli Islands
- approximately 70 to 90 metres where the river narrows downstream of the Bli Bli Islands

- approximately 85 metres at the end of Cook Road
- approximately 100 metres just downstream of the most downstream dwelling house in Cook Road
- approximately 100 metres at the bend approximately 600 metres upstream of the David Low Bridge
- approximately 120 to 150 metres just upstream of the David Low Bridge.

The Reference Group noted that the sharp bend just upstream of the Bli Bli Islands obscures clear view of approaching ship traffic until the bend has been negotiated. This bend, together with the narrow width of navigable water at that location, represents a significant hazard to navigation on confined waters.

The waters of the small drains flowing into this section of the river are very narrow and shallow. They are navigable by only the smallest of ships, such as dinghies, kayaks and canoes.

Water skiing activities are permitted on certain waters of Area 5, namely from 50 metres upstream of the David Low Bridge to a point approximately 50 metres downstream of the most downstream house in Cook Road.<sup>4</sup> The water skiing area is approximately 1,000 metres in length. The width of navigable water is at least 100 metres. The Reference Group noted that water skiers seem to modify their activities according to the level of ship traffic in the area.

Maritime Safety Queensland cannot accurately identify the upstream boundary of the water skiing prohibition near the most downstream house in Cook Road. However, the boundary is approximately 1,050 metres upstream from the David Low Bridge. The Reference Group noted that a boundary described in relation to the bridge is more appropriate.

Water skiing activities are prohibited on all other waters of Area 5.

There are no aids to navigation in Area 5, except for a special mark beacon that indicates a sewage outfall pipe just downstream of the Bli Bli Islands. There are water skiing signs approximately 1,500 metres downstream of Coolum Creek, approximately 50 metres downstream of the most downstream house in Cook Road, and also near the David Low Bridge. There are a number of fish habitat signs as well.

There are no public boat ramps for Area 5. However, there are two informal launching areas: one near the end of Stoney Wharf Road; the other adjacent to the western end of the David Low Bridge. There is also a pontoon approximately 1.8 kilometres upstream of the David Low Bridge that provides access from the river to a boardwalk in the wetland sanctuary.

Maritime Safety Queensland does not conduct regular hydrographic survey of Area 5. The most recent survey was conducted during February 2001.

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<sup>4</sup> The dwelling house in Cook Road is approximately 1,100 metres upstream of the David Low Bridge

### 9.5.1 Waterway users and issues

The user density for Area 5 ranges from very low to high during weekends, public holidays and school holidays, depending on the time of day.

The waterway users of Area 5 are predominantly:

- dinghies and speed boats engaged in recreational fishing
- slower moving motor boats
- fast moving speed boats and personal watercraft towing water skiers and wake boarders
- fast moving speed boats and personal watercraft
- slow moving passive craft, like kayaks and canoes
- shore-based recreational fishers.

Water skiing and wake boarding activities are very popular in Area 5, where not prohibited.

The Reference Group identified a number of waterway issues in Area 5:

- interaction and congestion of different types of ships during weekends and holidays
- passing and operating distances by some powered ships near anchored and slow moving craft – contraventions of operational speed limits
- effects from wake boarding – particular types of wake boarding boats are designed to generate large wash, which may contribute to shoreline damage and bank erosion
- effects of wash from high-speed ship operations generally
- interaction between powered ships and anchored ships around and beneath the David Low Bridge.

Maritime Safety Queensland has not received any reports of marine incidents in Area 5 since July 2000. However, anecdotal information from paddlers appears to suggest regular contraventions of the operational speed limits by the masters of speed boats towing wake boarders, primarily involving wash and interaction with kayaks and canoes.<sup>5</sup>

### 9.5.2 Existing legislative requirements

A general smooth water speed limit of 40 knots applies to all ships on Area 5 (and all creeks and drains flowing into it) 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.

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

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<sup>5</sup> Public comments during an information session for *Maroochy River Trail* at Maroochydore on 7 October 2008

The freestyling restriction provided by section 127B of the *Transport Operations (Marine Safety) Regulation 2004* may also apply.

The waters of Area 5 from a point approximately 1,500 metres downstream of the confluence with Coolum Creek to a point approximately 50 metres downstream of the most downstream house in Cook Road at Bli Bli are stated by gazette notice as waters where water skiing is an activity that endangers marine safety.<sup>6</sup> The gazette notice was published on 4 December 1998.

The waters of Area 5 within 50 metres upstream (and downstream) of the David Low Bridge at Bli Bli are also 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.

The waters of all watercourses and canals flowing into Area 5 are also 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 as well.

Maritime Safety Queensland received a number of complaints regarding noise, wash and water skiing activities in Area 5 near Cook Road during 2007, 2008 and 2009. This section of the river has been the subject of compliance operations by shipping inspectors.

### 9.5.3 Recommendations

Area 5 of the Maroochy River is often subject to high levels of ship traffic on weekends, public holidays and school holidays.

The upper part of Area 5 where water skiing endangers marine safety (which is approximately 5.2 kilometres in length from just upstream of the unnamed mid-channel island to just downstream of Cook Road) is a narrow and shallow waterway. The sharp bend and confined waters just upstream of the Bli Bli Islands create a significant navigation hazard.

The lower part of Area 5 (which includes the water skiing area of approximately 1,000 metres in length) is a broader and deeper waterway.

The drains that flow into Area 5 are very narrow and shallow.

The Reference Group acknowledges the history and popularity of the lower part of Area 5 for high-speed ship operations, including water skiing and wake boarding, where not prohibited. Generally, the group's members believe the existing water skiing prohibition achieves an acceptable level of marine safety and should be maintained, except that the boundary of the prohibition requires an administrative correction.

However, the Reference Group believes that high-speed ship operations on the upper part of Area 5 seriously compromise marine safety, because of the river's natural features and the level of ship traffic. The group contends that a ship's

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<sup>6</sup> The dwelling house in Cook Road is approximately 1,100 metres upstream of the David Low Bridge

master operating at high speed on these waters is unable to comply with the operational speed limits of the *Transport Operations (Marine Safety) Regulation 2004* and rules 6, 8 and 9 of the Collision Regulations.

Importantly, the Reference group acknowledges that a contravention of any one of these legislative requirements may cause a marine incident, which in turn, may be evidence of a contravention of 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 waters of the small drains flowing into Area 5 are unsafe.

Consequently, the Reference Group believes that the existing regulatory regime for Area 5 should be expanded to provide a better marine safety system, and therefore makes the following recommendations for:

### **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**

#### **25 – Maroochy River (Area 5) – existing speed limit of 40 knots**

*That the General Manager should maintain the existing speed limit of 40 knots for all ships on waters of Maroochy River from 1,050 metres upstream of David Low Bridge at Bli Bli to 50 metres upstream of David Low Bridge at Bli Bli.*

#### **26 – Maroochy River (Area 5) – new speed limit of 20 knots**

*That the General Manager should fix by gazette notice a new speed limit of 20 knots for all ships on waters of Maroochy River from 1,500 metres downstream of the river's confluence with Coolum Creek to 1,050 metres upstream of David Low Bridge at Bli Bli.*

#### **29 – Maroochy River near Cook Road (Area 5) – update Beacon to Beacon**


*That Maritime Safety Queensland should update Beacon to Beacon to include a note that describes the type of ship operations reasonably expected on Maroochy River near Cook Road and the likelihood of ship traffic congestion during weekends and public holidays.*

### **30 – Maroochy River (Area 5) – existing water skiing prohibition**

*That the General Manager should maintain the existing water skiing prohibition for waters of Maroochy River from 1,500 metres downstream of the river's confluence with Coolum Creek to 1,050 metres upstream of David Low Bridge at Bli Bli (refer to recommendation 54).*

### **31 – Maroochy River (Area 5) – new warning signs**

*That Maritime Safety Queensland should erect four new warning signs at strategic locations in Area 5 to warn waterway users about obstructions and hazardous conditions that affect navigation:*

- *for the sharp bend upstream of Bli Bli Islands – two warning signs – SHARP BEND / KEEP STARBOARD (with an arrow )*
- *near Bli Bli Islands – two warning signs – SAND BANKS / NAVIGATE WITH CAUTION.*

### **54 – Maroochy River (Area 5) – administrative correction**

*That the General Manager should state by gazette notice a new water skiing prohibition for waters of Maroochy River from 1,500 metres downstream of the river's confluence with Coolum Creek to 1,050 metres upstream of David Low Bridge at Bli Bli.*

This is an administrative correction to accurately describe the boundary of the water skiing prohibition 50 metres downstream of the most downstream house in Cook Road, which is approximately 1,050 metres upstream of the David Low Bridge at Bli Bli.

The Reference Group expressed different views on the best regime to ensure marine safety near Cook Road at Bli Bli. The residents of Cook Road suggest that either a 6 knots speed limit, or at least a periodic speed limit of 6 knots for weekends and public holidays, will enhance marine safety and address the problem of shoreline damage near their dwelling houses. Other members believe, however, that a regulatory regime that includes a water skiing prohibition, operational speed limits, a freestyling restriction and the new speed limit of 20 knots for all ships from recommendation 26 is more appropriate.

Those members who support the latter position refer to the report by the Ship Hydrodynamics Centre of the Australian Maritime College, mentioned in section 8. They highlight the increased wash from some ships navigating at 6 knots, and also the increased noise and adverse impact on amenity due to the extra time it would take for ships travelling at 6 knots to pass the residential dwellings.

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

**27A – Maroochy River near Cook Road (Area 5) – new speed limit of 20 knots with speed signs for operational speed limits – Option 1**

*That the General Manager should fix the speed limit of 20 knots (as mentioned in recommendation 26) and that Maritime Safety Queensland should erect two new regulatory signs for operational speed limits at strategic locations near the dwelling houses on Cook Road at Bli Bli (as mentioned in recommendation 4); or alternatively*

**27B – Maroochy River near Cook Road (Area 5) – new periodic speed limit of 6 knots for weekends and public holidays – Option 2**

*That the General Manager should fix by gazette notice a new periodic speed limit of 6 knots for all ships on waters of Maroochy River from 1,300 metres upstream of David Low Bridge at Bli Bli to 1,050 metres upstream of David Low Bridge at Bli Bli for weekends and public holidays; or alternatively*

**27C – Maroochy River near Cook Road (Area 5) – new speed limit of 6 knots – Option 3**

*That the General Manager should fix by gazette notice a new speed limit of 6 knots for all ships on waters of Maroochy River from 1,300 metres upstream of David Low Bridge at Bli Bli to 1,050 metres upstream of David Low Bridge at Bli Bli.*

Following from these recommendations, the Reference Group also makes the following recommendation:

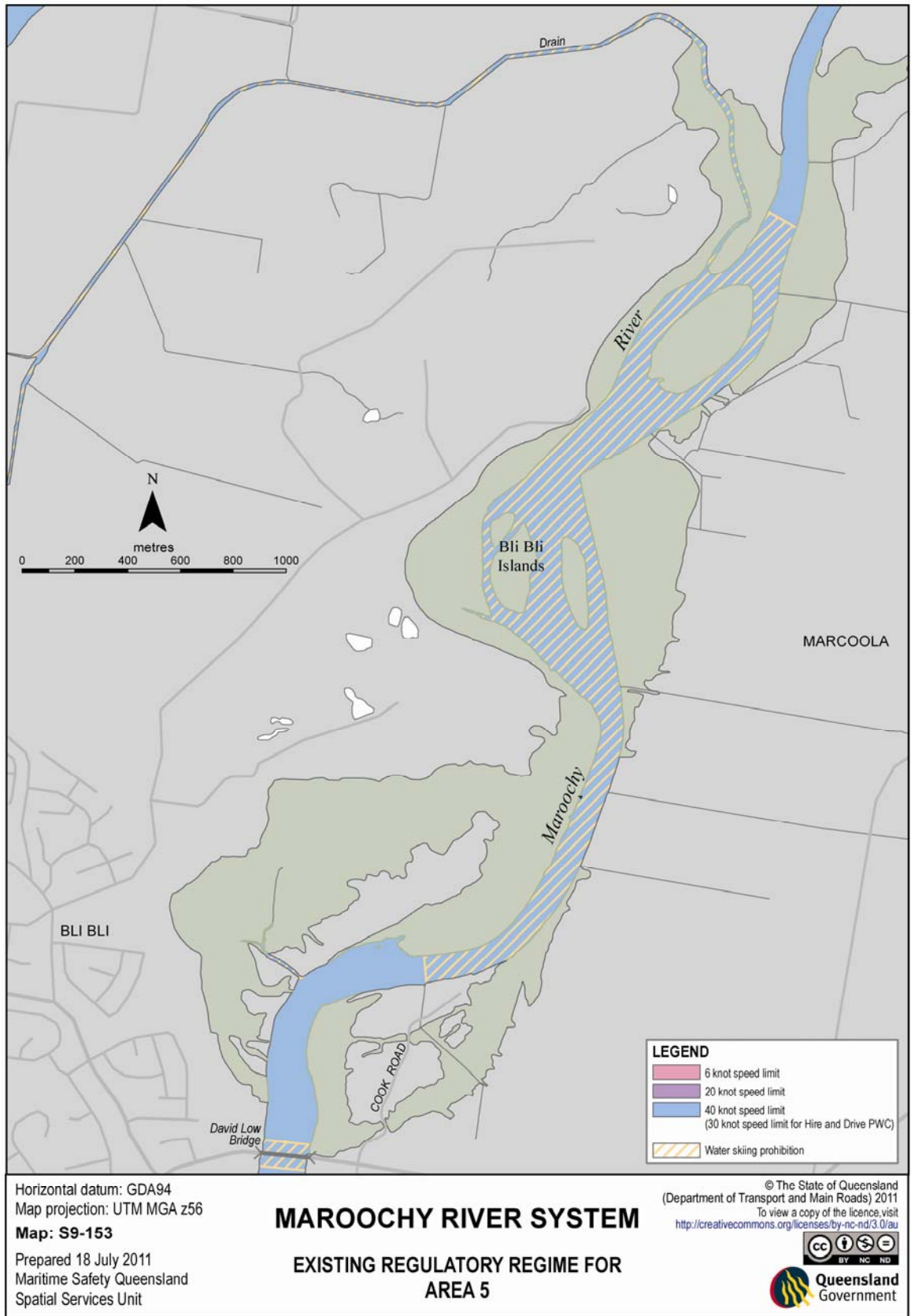
**28 – Maroochy River near Cook Road (Area 5) – review of new speed limit**

*That the Reference Group should re-convene to review the implementation and affect of the new speed limit for waters of Maroochy River adjacent to Cook Road at Bli Bli, before December 2012.*

The Reference Group identified one unresolved issue in Area 5 – tidal works within the fish habitat area that might help prevent bank erosion near the dwelling houses in Cook Road. The Sunshine Coast Regional Council is the assessment manager for tidal works in accordance with the integrated development assessment system under the *Sustainable Planning Act 2009*. The Reference Group intends to refer this issue to council.

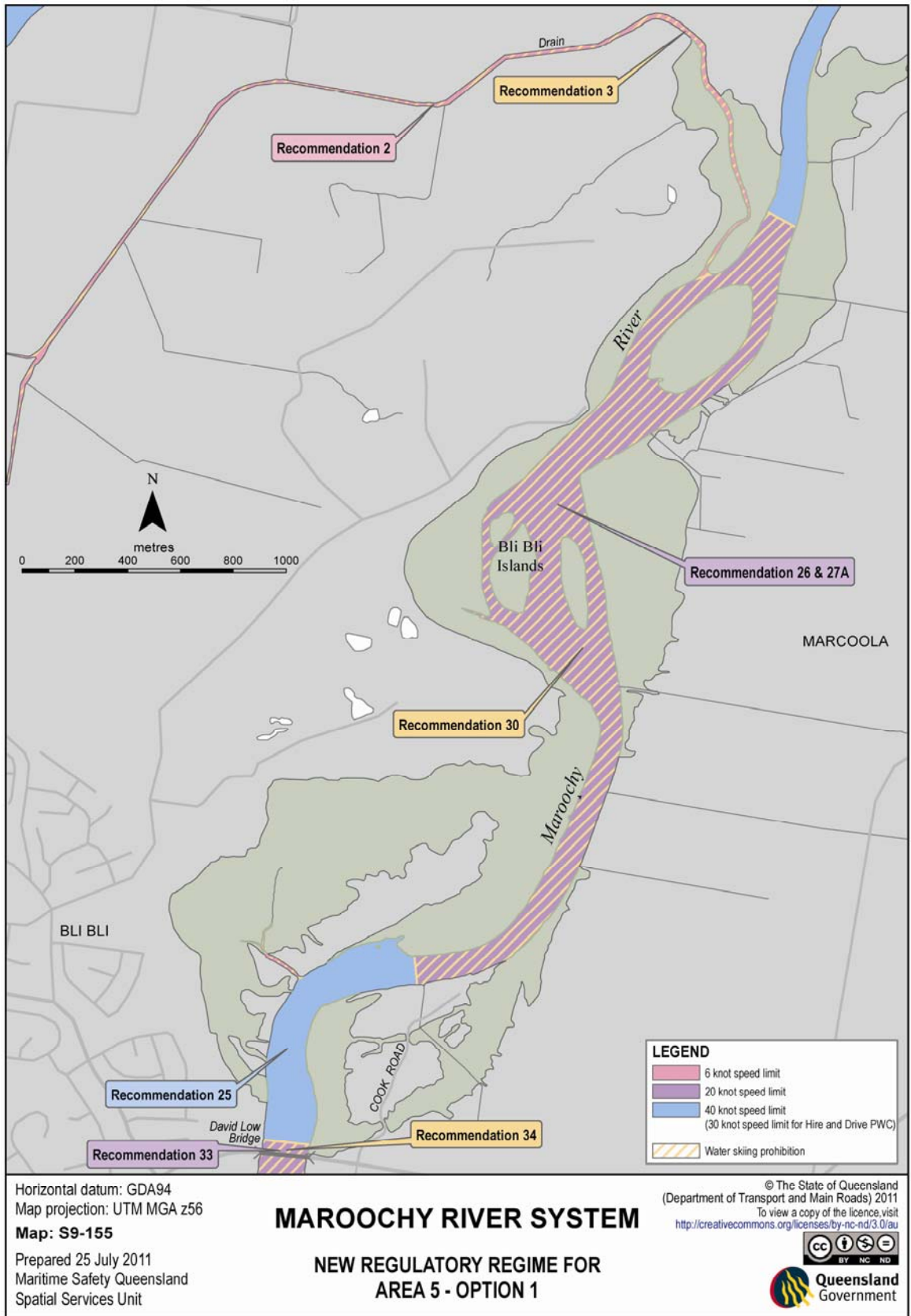
Maps that depict the existing regulatory regime and the new regime recommended by the Reference Group can be found on pages 59 to 62.



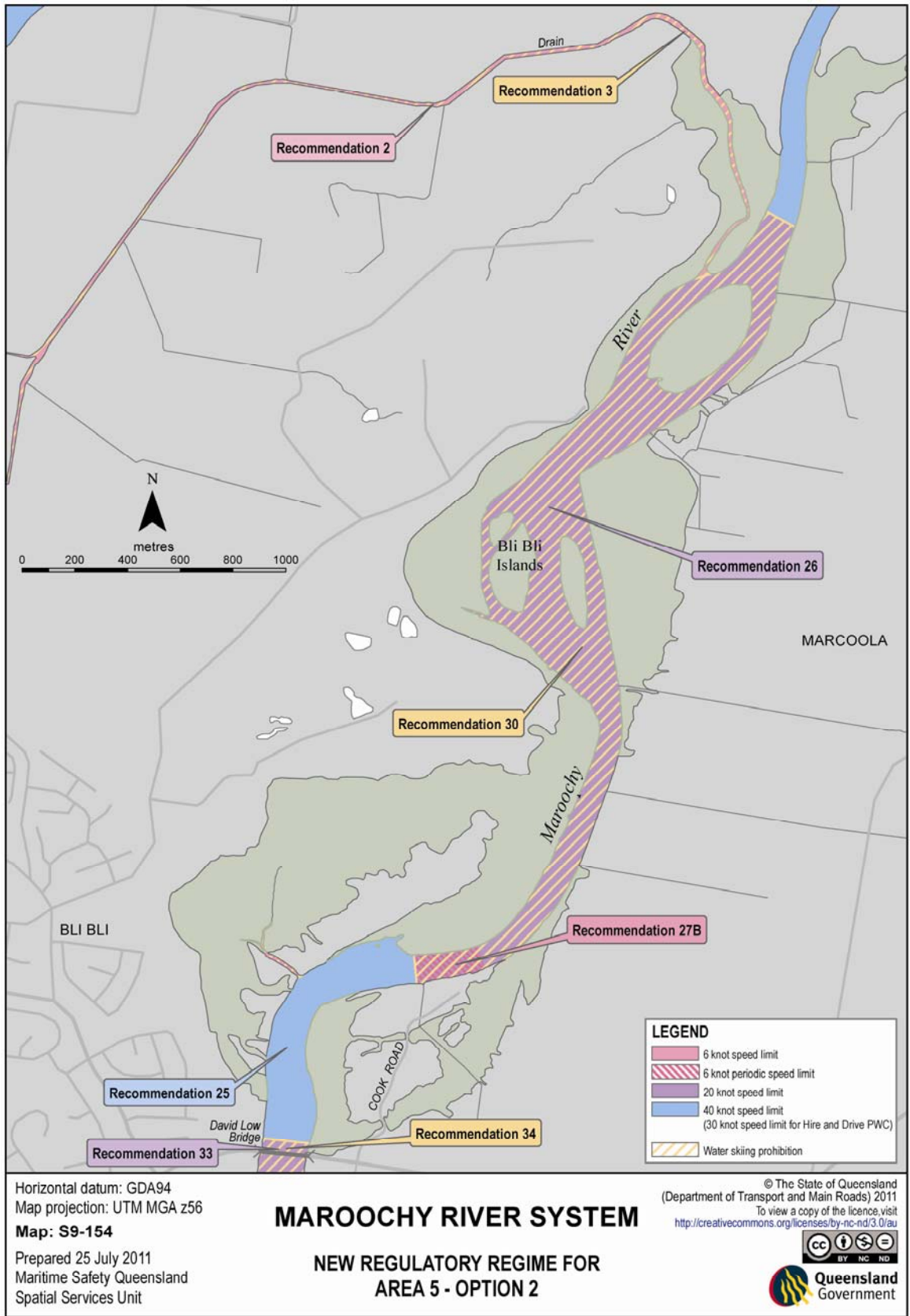


**Map S9-153 – Existing regulatory regime for Area 5**

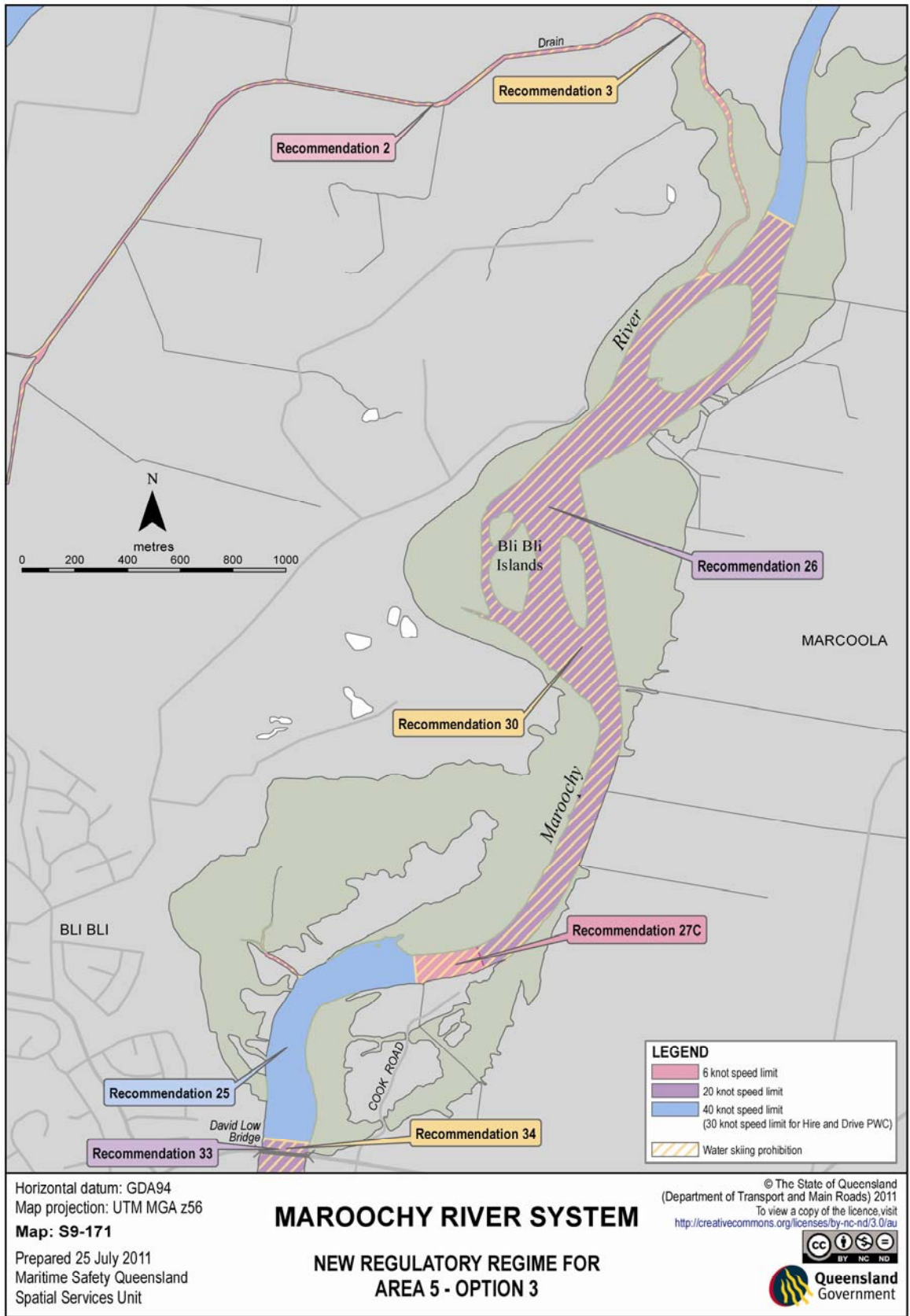




Map S9-155 – New regulatory regime for Area 5 – Option 1



**Map S9-154 – New regulatory regime for Area 5 – Option 2**



**Map S9-171 – New regulatory regime for Area 5 – Option 3**