

# **Subordinate Local Law No. 7.5**

## **(Public dive precincts) 2021**

This and the following 11 pages is a certified copy of  
*Subordinate Local Law No. 7.5 (Public dive precincts) 2021*  
made in accordance with the provisions of the *Local Government Act*  
*2009* by the Council of the City of Gold Coast by resolution dated 3  
December 2021.

---

Alisha Swain  
Acting Chief Executive Officer

# Council of the City of Gold Coast Subordinate Local Law No. 7.5 (Public dive precincts) 2021

## Contents

---

	<b>Page</b>
<b>Part 1</b>	<b>Preliminary</b> <b>1</b>
1	Short title.....1
2	Authorising local law .....1
3	Object .....1
4	Definitions—the dictionary .....1
<b>Part 2</b>	<b>Application of local law to public dive precincts</b> <b>1</b>
5	Public dive precincts .....1
<b>Part 3</b>	<b>Regulation of public dive precincts</b> <b>2</b>
6	Admission to and use of public dive precinct .....2
7	Mooring of vessel in a public dive precinct.....2
8	Regulation of business in a public dive precinct.....3
9	Closure of public dive precinct.....3
<b>Part 4</b>	<b>Prohibited conduct</b> <b>3</b>
10	Prohibited conduct in a public dive precinct .....3
<b>Part 5</b>	<b>Dive precinct permit</b> <b>4</b>
11	Application for a permit .....4
12	Term of a permit .....5
13	Conditions of a permit.....5
<b>Schedule 1</b>	<b>Dictionary</b> <b>7</b>
<b>Schedule 2</b>	<b>Public dive precincts</b> <b>9</b>

# **Council of the City of Gold Coast Subordinate Local Law No. 7.5 (Public dive precincts) 2021**

## **Part 1 Preliminary**

### **1 Short title**

This subordinate local law may be cited as *Subordinate Local Law No. 7.5 (Public dive precincts) 2021*.

### **2 Authorising local law**

This subordinate local law is made pursuant to *Local Law No. 7 (Council Property) 2008*.<sup>1</sup>

### **3 Object**

The object of this subordinate local law is to assist in the implementation of *Local Law No. 7 (Council Property) 2008* by—

- (a) regulating access to and the sustainable recreational use of public dive precincts; and
- (b) specifying restrictions to—
  - (i) minimise harm to human health and safety; and
  - (ii) provide for the protection of the artificial reef and promotion of associated marine life in a public dive precinct.

### **4 Definitions—the dictionary**

The dictionary in Schedule 1 (Dictionary) of this subordinate local law defines particular words used in this subordinate local law.

## **Part 2 Application of local law to public dive precincts**

### **5 Public dive precincts**

- (1) For the purposes of the Schedule (Dictionary) of *Local Law No. 7 (Council Property) 2008* a public dive precinct is council property pursuant to *Local Law No. 7 (Council Property) 2008*.

---

<sup>1</sup> The exercise of the local government's power outside the local government area in respect of the Wonder Reef public dive precinct identified in Schedule 2 was approved in writing on 7 April 2021 by the Minister under section 9(4)(b)(i) of the *Local Government Act 2009*.

- (2) For the purposes of the Schedule (Dictionary) of *Local Law No. 3 (Administration) 2008* a public dive precinct is specified as a public place pursuant to *Local Law No. 3 (Administration) 2008*.
- (3) A vessel is a thing specified as a vehicle—
  - (a) for the purposes of the Schedule (Dictionary) of *Local Law No. 3 (Administration) 2008* pursuant to *Local Law No. 3 (Administration) 2008*; and
  - (b) for the purposes of the Schedule (Dictionary) of *Local law No. 7 (Council Property) 2008* pursuant to *Local Law No. 7 (Council Property) 2008*.

### **Part 3 Regulation of public dive precincts**

#### **6 Admission to and use of public dive precinct**

- (1) For the purposes of sections 9(1)(b) and 9(1)(i) of *Local Law No. 7 (Council Property) 2008*, a person or vessel must not enter or use a public dive precinct unless authorised to do so—
  - (a) in accordance with a commercial activity operator agreement;<sup>2</sup> or
  - (b) by a dive precinct permit; or
  - (c) by the direction of an authorised person.
- (2) Having regard to the objects of this subordinate local law, the local government may, by resolution, limit the number of commercial activity operator agreements to be entered into and the number of dive precinct permits to be granted.

#### **7 Mooring of vessel in a public dive precinct**

For the purposes of section 9(1)(e) of *Local Law No. 7 (Council Property) 2008*, a vessel must not park at a buoy mooring in a public dive precinct other than in accordance with—

- (a) the terms of a commercial activity operator agreement; or
- (b) the conditions of a dive precinct permit; or
- (c) the direction of an authorised person.

*For example—*

The terms of a commercial activity operator agreement or the conditions of a dive precinct permit may include (but not be limited to) requirements as to specified buoy mooring/s in a

---

<sup>2</sup> Entry to a public dive precinct pursuant to the terms of a commercial activity operator agreement entered into by the local government under section 7 of *Local Law No. 7 (Council Property) 2008* is entry authorised by the prior written approval of the local government.

public dive precinct that may be used by a vessel and the maximum vessel length permitted to use a specified buoy mooring/s.

## **8 Regulation of business in a public dive precinct**

- (1) To avoid any doubt, for section 11(a)(i) of *Local Law No. 7 (Council Property) 2008*, a business carried on in a public dive precinct in accordance with a commercial activity operator agreement is not a type of business specified for this subordinate local law.
- (2) A public buoy mooring in a public dive precinct may not be used for carrying on business (including, but not limited to, business the subject of a commercial activity operator agreement).

## **9 Closure of public dive precinct**

- (1) For the purposes of section 9(1) of *Local Law No. 7 (Council Property) 2008*, the local government may, by public notice, close a public dive precinct to public access if, in the opinion of an authorised person, the closure is appropriate for—
  - (a) inspection, maintenance, monitoring or investigation purposes; or
  - (b) the protection of—
    - (i) the natural and built environment in the public dive precinct; or
    - (ii) the health and safety of persons who would otherwise be using the public dive precinct; or
  - (c) any other purpose, subject to the giving of reasonable prior notice directly to commercial activity operator agreement parties and each affected holder of a dive precinct permit.

*Examples of ways in which the local government may give public notice for subsection (1)(a) and (b)—*

*on the booking website for the public dive precinct, on the local government's website, or via social media*

- (2) In the event of closure of a public dive precinct under subsection (1), entry to the public dive precinct is not permitted under a commercial operator agreement or a dive precinct permit.

## **Part 4 Prohibited conduct**

### **10 Prohibited conduct in a public dive precinct**

For the purposes of section 10(f) of *Local Law No. 7 (Council Property) 2008*, a person or vessel must not, unless authorised by the direction of an authorised person, carry out any of the following activities in a public dive precinct—

- (a) park any vessel by anchoring it; or

- (b) interfere with a buoy mooring (other than for the purpose of attaching or detaching a vessel) or navigational aid; or
- (c) deface, damage, remove any material from, remove or otherwise interfere with any structure; or
- (d) use, cast or deploy any fishing apparatus (including from outside a public dive precinct if the fishing apparatus wholly or partly enters a public dive precinct); or
- (e) feed or take marine life; or
- (f) discard any substance or item in the water.

## **Part 5 Dive precinct permit**

### **11 Application for a permit**

- (1) For the purposes of section 16(1)(c)(iv) of *Local Law No. 7 (Council Property) 2008*, an application for a dive precinct permit must, unless otherwise required by the local government, be accompanied by—
  - (a) the following details regarding the vessel by which access to a public dive precinct is sought—
    - (i) the vessel name;
    - (ii) the vessel registration number;
    - (iii) the total number of persons on board; and
    - (iv) the total number of persons on board who will be entering the water in the public dive precinct; and
  - (b) the name, residential address, email address and contact phone number of the person making the booking and submitting the application for the dive precinct permit;
  - (c) the following details for each person who will be entering the public dive precinct under the dive precinct permit—
    - (i) the person's name; and
    - (ii) identification of whether the person will be entering the water in the public dive precinct;
  - (d) a warranty by the person in subsection (1)(b) that the person is authorised to apply for the dive precinct permit for and on behalf of each person named under subsection (1)(c) and the application is made with each person's knowledge.
- (2) For the purposes of section 16(1)(a) of *Local Law No. 7 (Council Property) 2008*, an application submitted in accordance with subsection (1) will be

taken to be made by each person named under subsection (1)(c) and, in so doing, each person is taken to be the holder of the dive precinct permit if granted.

## **12 Term of a permit**

For the purposes of section 18 of *Local Law No. 7 (Council Property) 2008*, a dive precinct permit is for the date, time and duration specified in the dive precinct permit.

## **13 Conditions of a permit**

(1) For the purposes of and without limiting section 19(1) of *Local Law No. 7 (Council Property) 2008*, the local government may impose all or any of the following conditions in a dive precinct permit—

- (a) A vessel must not manoeuvre under power while attached to a buoy mooring, other than to detach from the buoy mooring.
- (b) A vessel may only attach to a specified buoy mooring in a public dive precinct.
- (c) The use of a specified buoy mooring in a public dive precinct is restricted to vessels not exceeding a specified length.
- (d) A specified maximum number of vessels are permitted to use a buoy mooring in a public dive precinct at any one time.
- (e) A vessel must not carry more than a specified maximum number of persons who may enter the water in a public dive precinct.
- (f) A vessel must not be left unattended while attached to a buoy mooring in a public dive precinct.
- (g) Each person entering the water in a public dive precinct is responsible for satisfying themselves that they have the appropriate level of training, certification, experience and equipment to undertake a planned dive in a public dive precinct.

(2) For the purposes of section 19(3) of *Local Law No. 7 (Council Property) 2008*, the following conditions must be imposed by the local government in a dive precinct permit—

- (a) Each person entering a public dive precinct under the dive precinct permit must comply with:
  - (i) any directions given by the general manager Maritime Safety Queensland and the Commonwealth;
  - (ii) the *Transport Operations (Marine Safety) Act 1994* and the *Transport Operations (Marine Pollution) Act 1995*.

- (b) Any ship moored within a public dive precinct must have installed and operate an all-round white light in accordance with Rule 30 of the Collision Regulations.
- (c) The owner or operator of a ship involved in a marine incident within a public dive precinct must report the marine incident as required under the *Transport Operations (Marine Safety) Act 1994*.
- (d) Any ship using a buoy mooring within a public dive precinct must be insured as required by section 67A of the *Transport Operations (Marine Pollution) Act 1995* and any other relevant legislative requirements.
- (e) Each person entering a public dive precinct under a dive precinct permit indemnifies and holds harmless the local government and the State of Queensland against all liability, loss, costs and expenses, arising from or in connection with the person's entry to and use of the public dive precinct (including but not limited to personal injury or property damage or loss).
- (f) Notwithstanding the grant of a public dive permit, a person must not enter or use a public dive precinct if the local government closes a public dive precinct under section 9 (Closure of public dive precinct) of this subordinate local law.
- (g) Each person entering a public dive precinct under the dive precinct permit must comply with any safety or management plans as specified by the local government.

*Example—*

- A diver safety plan for a public dive precinct that includes diveable sea conditions, a layout of zones and rest points and recommended safe diving pathways within the precinct relative to diver certification levels.
- A management plan regarding vessel and diver interaction with marine fauna and the reporting of interaction incidents.



## Schedule 1     Dictionary

### section 4

***amphibious vehicle*** means a motor vehicle that can travel on land and water.

***buoy mooring*** has the meaning given in the *Transport Operations (Marine Safety) Act 1994*.

***Collision Regulations*** means the International Regulations for Preventing Collisions at Sea published by the International Maritime Organisation.

***commercial activity operator agreement*** means a written agreement between the local government and a person authorising the person to conduct a business providing recreational diving tours in a public dive precinct.

***Commonwealth*** means the Commonwealth of Australia and includes the Australian Maritime Safety Authority

***dive precinct permit*** means a permit authorising a person to dive in a public dive precinct granted pursuant to section 17 of *Local Law No. 7 (Council Property) 2008*.

***fishing apparatus*** has the meaning given in the *Fisheries Act 1994*.

***general manager Maritime Safety Queensland*** means the general manager appointed under section 10 of the *Maritime Safety Queensland Act 2002* and includes any delegate of the General Manager under section 11A of the *Maritime Safety Queensland Act 2002*.

***marine incident*** has the meaning given in the *Transport Operations (Marine Safety) Act 1994*.

***marine licence*** has the meaning given in the *Transport Operations (Marine Safety) Act 1994*.

***navigational aid*** means a buoy marking the location of a public dive precinct and includes any attached anchor block and any attachment line between the anchor block and the buoy.

***park*** includes moor.

***personal watercraft*** has the meaning given in the *Transport Operations (Marine Safety) Act 1994*.

***public buoy mooring*** means a buoy mooring identified as a public buoy mooring in a diagram in Schedule 2 (Public dive precincts) of this subordinate local law.

***public dive precinct*** means an area of land and water specified in Schedule 2 (Public dive precincts) of this subordinate local law.

**recreational diving** has the meaning given in the *Safety in Recreational Water Activities Regulation 2011*.

**ship** has the meaning given in the *Transport Operations (Marine Safety) Act 1994*.

**take** has the meaning given in the *Nature Conservation Act 1992*.

**vessel** means a ship as defined in the *Transport Operations (Marine Safety) Act 1994*, and for the purposes of this subordinate local law includes—

- (a) an amphibious vehicle;
- (b) a personal watercraft;
- (c) a human-powered watercraft.

*Examples of paragraph (c)—*

kayak, raft, surfboard.

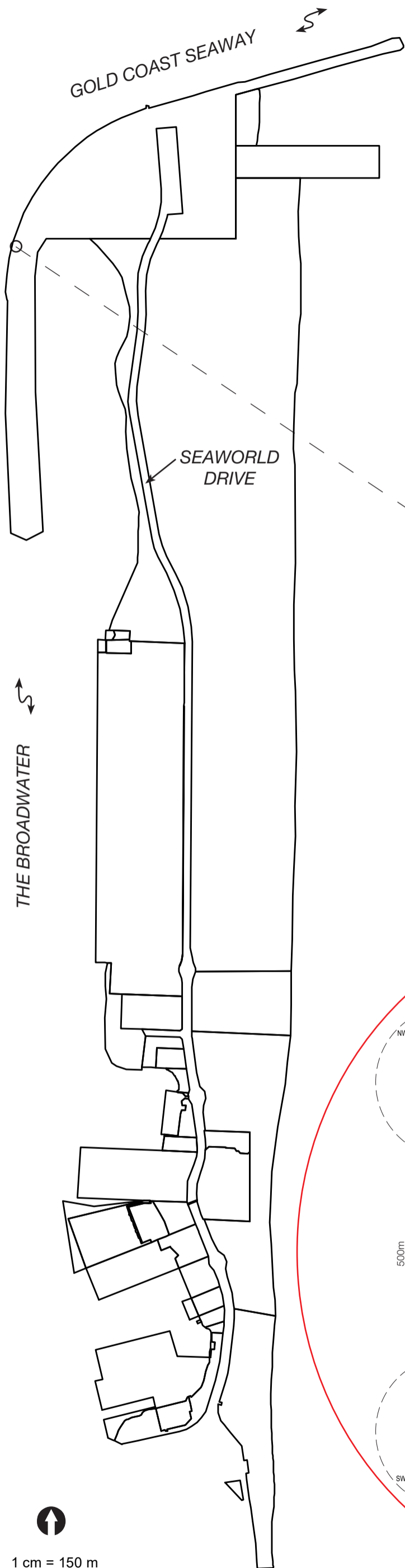
**Schedule 2 Public dive precincts**

<b>Column 1 Description</b>	<b>Column 2 Name of public dive precinct</b>																									
<p>The area identified as Lot 1 on SP267497, located in the open waters of the Coral Sea approximately 1.35 nautical miles east of Main Beach, within the following coordinates and as shown in Diagram 1—</p> <table border="1" data-bbox="188 618 1177 969"> <thead> <tr> <th></th> <th><b>Easting</b></th> <th><b>Northing</b></th> <th><b>Longitude</b></th> <th><b>Latitude</b></th> </tr> </thead> <tbody> <tr> <td>NW corner</td> <td>544520</td> <td>6907210</td> <td>153 27.157 E</td> <td>27 57.565 S</td> </tr> <tr> <td>NE corner</td> <td>545020</td> <td>6907210</td> <td>153 27.462 E</td> <td>27 57.564 S</td> </tr> <tr> <td>SW corner</td> <td>544520</td> <td>6906710</td> <td>153 27.159 E</td> <td>27 57.836 S</td> </tr> <tr> <td>SE corner</td> <td>545020</td> <td>6906710</td> <td>153 27.463 E</td> <td>27 57.835 S</td> </tr> </tbody> </table>		<b>Easting</b>	<b>Northing</b>	<b>Longitude</b>	<b>Latitude</b>	NW corner	544520	6907210	153 27.157 E	27 57.565 S	NE corner	545020	6907210	153 27.462 E	27 57.564 S	SW corner	544520	6906710	153 27.159 E	27 57.836 S	SE corner	545020	6906710	153 27.463 E	27 57.835 S	Wonder Reef
	<b>Easting</b>	<b>Northing</b>	<b>Longitude</b>	<b>Latitude</b>																						
NW corner	544520	6907210	153 27.157 E	27 57.565 S																						
NE corner	545020	6907210	153 27.462 E	27 57.564 S																						
SW corner	544520	6906710	153 27.159 E	27 57.836 S																						
SE corner	545020	6906710	153 27.463 E	27 57.835 S																						

# Diagram 1 - Wonder Reef Public dive precinct

DESCRIPTION	LOCATION			
	EASTING	NORTHING	LONGITUDE	LATITUDE
CENTRE POINT	544770	6906960	153 27.310 E	27 57.700 S
DIVE PRECINCT (NW)	544520	6907210	153 27.157 E	27 57.565 S
DIVE PRECINCT (NE)	545020	6907210	153 27.462 E	27 57.564 S
DIVE PRECINCT (SW)	544520	6906710	153 27.159 E	27 57.836 S
DIVE PRECINCT (SE)	545020	6906710	153 27.463 E	27 57.835 S
NAVIGATION AID (1)*	544570	6907160	153 27.188 E	27 57.592 S
NAVIGATION AID (2)*	544970	6907160	153 27.432 E	27 57.591 S
NAVIGATION AID (3)*	544570	6906760	153 27.189 E	27 57.809 S
NAVIGATION AID (4)*	544970	6906760	153 27.433 E	27 57.808 S
BUOY MOORING (A)*	544751	6906962	153 27.299 E	27 57.699 S
BUOY MOORING (B)*	544781	6906945	153 27.317 E	27 57.708 S
BUOY MOORING (C)*	544794	6906976	153 27.325 E	27 57.692 S
PUBLIC BUOY MOORING (D)*	544783	6907028	153 27.318 E	27 57.663 S

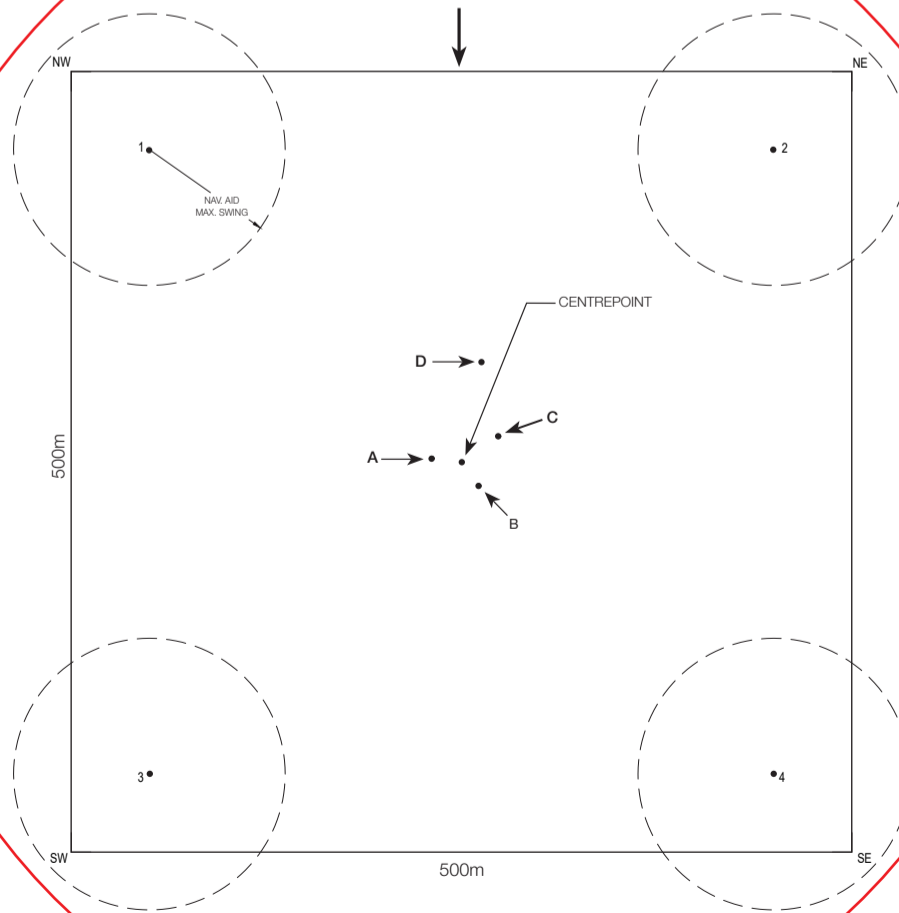
\* Denotes approximate location for description



CORAL SEA

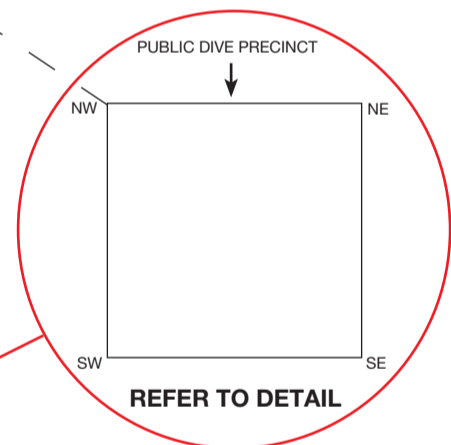
303°55'45"  
3693.5

PUBLIC DIVE PRECINCT

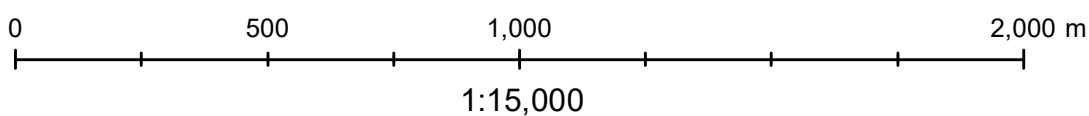


**DETAIL**

Scale: NTS



1 cm = 150 m



1:15,000