



Western Australia

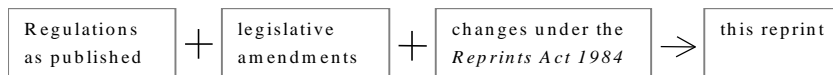
Waterways Conservation Act 1976

Waterways Conservation Regulations 1981

Reprint 2: The regulations as at 28 January 2011

Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original regulations and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Transitional, savings, modifying or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the regulations being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a regulation that was inserted, or has been amended, since the regulations being reprinted were made, editorial notes at the foot of the regulation give some history of how the regulation came to be as it is. If the regulation replaced an earlier regulation, no history of the earlier regulation is given (the full history of the regulations is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

Reprint numbering and date

1. The reprint number (in the footer of each page of the document) shows how many times the regulations have been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3rd reprint since the regulations were published. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the regulations are reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Western Australia

Waterways Conservation Regulations 1981

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Reprinted under the
Reprints Act 1984 as
at 28 January 2011

Western Australia

Waterways Conservation Act 1976

Waterways Conservation Regulations 1981

Part I — Preliminary

1. Citation and commencement

- (1) These regulations may be cited as the *Waterways Conservation Regulations 1981*¹.
- (2) These regulations shall operate on and from the 42nd day after the day on which they are published in the *Government Gazette*¹.

2. Terms used

- (1) In these regulations unless the contrary intention appears —
Act means the *Waterways Conservation Act 1976*, as amended;
aircraft means a machine that can derive support in the atmosphere from the reactions of the air;
Jetties Act means *Jetties Act 1926*, as amended;
proximate to any waters, in relation to associated land on which any thing is done or which is used for any purpose, means within such distance from any waters that, in the opinion of the Minister, the doing of the thing on that associated land or its use

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for that purpose is capable of affecting the enjoyment, whether aesthetically or otherwise, of a person using those waters or using any development of the associated land that is immediately adjacent to, and primarily intended for the better enjoyment of, those waters;

regulation is a reference to a provision of these regulations;

Schedule means schedule to these regulations;

subregulation means subregulation of the regulation in which the word is used.

- (2) Unless the contrary intention appears expressions used in these regulations have the same respective meanings as are given them in and for the purposes of the Act.
- (3) The several forms set out in Schedule 1 are prescribed for the respective purposes for which forms are required by these regulations, and a reference in these regulations to a form by its number is a reference to the form so numbered in Schedule 1.

*[Regulation 2 amended in Gazette 22 Jan 1999 p. 221;
23 Nov 2010 p. 5865.]*

Part II — Conflict of powers

3. Types of matters for Act s. 5(3)(a) and (c)

Without limiting the discretion conferred on the Minister by section 5(3) of the Act in respect of matters not included in this regulation —

- (a) types of matters that are to be taken as falling within section 5(3)(a) of the Act include matters relating to —
 - (i) the provision or removal of any jetty, boat house, groyne, pier, decking, wall or any other structure whether floating or otherwise, in, over, or contiguous with any waters;
 - (ii) the filling in wholly or partially, or dredging of, any portion of the bed of any waters, or the building up or other alteration of the bank or foreshore of any waters;
 - (iii) the provision or removal of any boat ramp, or launching place in and contiguous with any waters;
 - (iv) the discharge or proposed discharge of water or any waste into any waters, or onto or under any associated land so as, in the opinion of the Minister, to be likely to enter any waters;
 - (v) the removal of weeds and other matter causing pollution, whether visual or otherwise, from any waters or from associated land proximate to any waters;
 - (vi) the removal, alteration, control or development of any vegetation, whether cultivated or not, from or in any waters or from or on associated land proximate to any waters, or the doing of any thing which in the opinion of the Minister may affect the development or continued existence of such vegetation;

- (vii) the use for the disposal of rubbish, of associated land that is reserved under the *Land Administration Act 1997*, and proximate to any waters;
- (viii) the nature of the use or proposed use of any associated land where —
 - (I) that use or proposed use is for a noxious trade; or
 - (II) that use or proposed use involves the creation of a source of waste that may, in the opinion of the Minister, substantially affect any waters; or
 - (III) the topography or substratum of that or surrounding land is such as to make that land a significant watershed for any waters or result in water significant by its quantity or quality passing over or through that land;
- (ix) the prevention or control of erosion of associated land where such erosion is, in the opinion of the Minister, likely to impair the condition of any waters or to detract, aesthetically or otherwise, from the enjoyment of any waters or recreational facilities associated with any waters;
- (b) types of matters that are to be taken as falling within section 5(3)(c) of the Act include matters relating to —
 - (i) the development and control of camping, recreational or sanitary facilities in so far as such matters do not fall within section 5(3)(a) of the Act;
 - (ii) the provision or removal of bridges over any waters;
 - (iii) the design, construction and usage of buildings on associated land, other than land the subject of

an agreement under section 31 of the Act, where the proximity of those buildings to any waters would be such as, in the opinion of the Minister, to affect, aesthetically or otherwise, the enjoyment of any waters or recreational facilities associated with any waters;

- (iv) the construction of any drain designed to discharge directly or indirectly into any waters;
- (v) the use for the disposal of rubbish, of associated land reserved under the *Land Administration Act 1997*, that is not proximate to any waters;
- (vi) the establishment of any commercial marina;
- (vii) the use of any land proximate to any waters for the establishment of any commercial or industrial site.

*[Regulation 3 amended in Gazette 4 Apr 2008 p. 1314;
23 Nov 2010 p. 5865.]*

4. Matters within Act s. 5(3), local government to notify Minister

- (1) Where a local government authority becomes aware of any matter within its district that it considers falls within section 5(3)(a) or section 5(3)(c) of the Act, whether existing or proposed, it shall forthwith give notice to the Minister.
- (2) A local government authority shall, when considering into which category a matter falls, where the opinion of the Minister is a relevant factor, have regard to any general expression of opinion by the Minister of which that authority has notice.
- (3) Notice required to be given under subregulation (1) shall be in writing setting out such particulars as appear to the authority to be relevant, and the authority shall supply such further information as the Minister may request in relation thereto.

[Regulation 4 amended in Gazette 23 Nov 2010 p. 5865.]

Part III — Management programmes

5. Representations, method of making

- (1) Where notice is published in accordance with section 35(4) of the Act, of proposals to establish a management programme the for the first time in relation to an area, a person who desires to make a representation regarding the proposals shall do so in writing, signed by him and submitted together with any material in support of his representation, to the Minister within 40 days after that publication of the notice or before the expiry of such longer time as the Minister may direct.
- (2) A person making a representation under subregulation (1) shall state therein —
 - (a) his full name, and were he makes the representation on behalf of some other person or body, or in some other capacity, the name of such person or body and the capacity in which he makes the representation; and
 - (b) whether he or a person or body referred to in paragraph (a) has an interest in any property situate in or adjacent to the area the subject of the management programme; and
 - (c) the description, whereabouts; size and use of any property, and the nature of any interest, referred to in paragraph (b).

[(3) deleted]

- (4) Where, pursuant to section 35(5) of the Act, the Minister directs that any proposal for amendment of a management programme shall be brought to the notice of persons likely to be affected, section 35(4) of the Act and the provisions of this regulation apply as if the proposal were a proposal to establish a management programme for the first time.

[Regulation 5 amended in Gazette 23 Nov 2010 p. 5861.]

Part IV — General offences

6. Term used: waters

For the purposes of this Part —

waters means waters to which section 48 of the Act applies.

[Regulation 6 amended in Gazette 23 Nov 2010 p. 5861.]

7. Use of waters in industrial plant etc.

- (1) A person shall not cycle water from any waters through any industrial plant or thermal control device associated with such plant except pursuant to and in accordance with a current licence issued under the Act.
- (2) A person contravening subregulation (1) commits an offence in respect of which section 48(9) of the Act shall apply.

8. Certain acts prohibited in relation to waters

- (1) A person shall not —
 - (a) put any mud, earth, gravel, litter or other matter into any waters; or
 - (b) put or keep disused car bodies or other visually offensive things on associated land proximate to any waters; or
 - (c) discard any litter on associated land proximate to any waters; or
 - (d) construct or use any drain designed to discharge directly or indirectly into any waters except with the approval of the Minister; or
 - (e) launch any boat or other craft directly from a trailer into any waters except —
 - (i) from privately-owned land abutting on the waters; or
 - (ii) at a launching place approved for that purpose by the Minister;
- or

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- (f) except on behalf of the Minister disturb the bed, banks, or foreshore of any waters so as, in the opinion of the Minister, to endanger the stability of any part of the banks or foreshore or the vegetation thereon; or
 - (g) except on behalf of the Minister excavate or dig channels in any part of the bed of any waters below high water mark, whether or not that part is then covered by water; or
 - (h) except on behalf of, or with the approval in writing of, the Minister, construct any groyne, breakwater, or other structure intended to impede or alter the flow of any waters; or
 - (i) discharge or permit the discharge of oil from any boat or craft into any waters, whether by the pumping out of a bilge, or by any other means; or
 - (j) except in an emergency —
 - (i) land or touch down an aircraft on any waters or associated land; or
 - (ii) take-off an aircraft from any waters or associated land; or
 - (iii) stand, park, dock or moor an aircraft on any waters or associated land; or
 - (iv) embark passengers onto or disembark passengers from an aircraft on any waters or associated land; or
 - (v) load freight onto or unload freight from an aircraft on any waters or associated land; or
 - (vi) refuel, service or repair an aircraft on any waters or associated land.
- (2) A person contravening subregulation (1) commits an offence and is liable to a penalty of —
- (a) in the case of an offence against paragraph (d) or (h) — \$500;

(b) in any other case — \$200.

*[Regulation 8 amended in Gazette 22 Jan 1999 p. 222;
23 Nov 2010 p. 5861-2.]*

9. Licence required for certain acts

(1) A person shall not —

- (a) construct or permit the construction of, any boat ramp, slip, bridge, jetty, boat house, pier, decking, or any other structure, whether floating or otherwise, in, over or contiguous with any waters; or
- (b) construct a retaining wall at a bank of any waters; or
- (c) fill in, wholly or partially, or dredge any portion of the bed of any waters, or cut into, build up or otherwise alter the bank or foreshore of any waters; or
- (d) dig or excavate on associated land so as to endanger the stability or integrity of the banks or foreshore of any waters, or with the intention of causing any of the waters to be diverted into the place so dug or excavated,

except pursuant to and in accordance with a current licence issued under the Act.

(2) A person contravening subregulation (1) commits an offence and is liable to a penalty of \$500, and a further \$50 in respect of each day for which the offence continues.

10. Removal of certain structures

(1) A person removing a structure referred to in regulation 9 shall —

- (a) in the case of a retaining wall or other structure the removal of which may impair the stability of, or damage, a part of the bank — first obtain the written permission of the Minister and then carry out the removal in accordance with any conditions attached thereto;

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- (b) in any other case — notify the Minister in writing not later than 7 days after such removal.
- (2) A person contravening subregulation (1) commits an offence and is liable to a penalty of —
 - (a) in the case of an offence against paragraph (a) — \$200;
 - (b) in the case of an offence against paragraph (b) — \$100.

[Regulation 10 amended in Gazette 23 Nov 2010 p. 5862.]

11. CEO may remedy contraventions

Where a person carries out any works or proposed works contrary to these regulations the CEO may —

- (a) carry out such works as the CEO sees fit in order to remedy the contravention;
- (b) remove any works carried out contrary to these regulations,

and may recover from that person any expenses thereby reasonably incurred by the CEO, as a debt due to the Department.

[Regulation 11 amended in Gazette 23 Nov 2010 p. 5862.]

Part V — Licences

12. Term used: Minister

In this Part, unless the contrary intention appears, a reference to the Minister shall be construed as including a reference to a person or body acting on behalf of, or under the direction of, the Minister exercising a power conferred by delegation or otherwise pursuant to the Act or these regulations.

[Regulation 12 amended in Gazette 23 Nov 2010 p. 5863.]

Division 1 — Licences other than jetty licences and disposal licences

13. Application for and issue of licence (Act s. 46(3))

- (1) A person applying pursuant to section 46(3) of the Act for the grant, renewal, or transfer of a licence authorising the doing or omission of anything which would otherwise constitute an offence against this Act shall do so in the appropriate form in Schedule 1, or, where no form is prescribed, in writing setting out all relevant information and addressed to the Minister.
- (2) After receiving an application the Minister may, in writing, direct the applicant to provide additional information relevant to the application.
- (3) Where the Minister approves an application under section 46(3) of the Act, the Minister shall notify the applicant in writing, specifying, where applicable, the appropriate fee set out in Schedule 2 upon payment of which the licence will be granted, renewed or transferred, as the case may be.
- (4) The Minister shall, upon receipt of the fee, if any, referred to in subregulation (3), grant, renew, or transfer the licence, as the case may be, and where no form of licence is prescribed, may issue the licence in an appropriate form.

- (5) This regulation does not apply to an application for a disposal licence or a licence referred to in regulation 17.

[Regulation 13 amended in Gazette 23 Nov 2010 p. 5863.]

14. Private boat ramps

Subject to and without affecting any other provision of the Act or these regulations, a licence for the provision of a boat ramp extending into any waters from privately-owned land the boundary of which is at or below high water mark shall be in the form of Form 2 and authorises the provision of a boat ramp, constructed in accordance with the plans and specifications referred to therein, for the use of such limited class of persons, or upon such conditions, as may be specified therein.

15. Retaining walls

- (1) Subject to and without affecting any other provision of the Act or these regulations a licence to construct a retaining wall at a bank of any waters shall be in the form of Form 4 and authorises the construction, in accordance with the plans and specifications referred to therein, of a retaining wall.
- (2) The Minister may, by notice in writing, require a person having the control of a retaining wall at a bank of any waters to carry out such maintenance on that wall as the Minister considers appropriate to prevent or minimize pollution, and may, if the maintenance is not carried out to its satisfaction within 30 days from the service of such notice, serve on and enforce against that person an order under section 50 of the Act requiring that person to carry out such maintenance.
- (3) Without limiting the liability under this regulation of any other person, the owner for the time being of the land to which the retaining wall appertains is, for the purposes of this regulation, deemed to be a person having the control of a retaining wall.

[Regulation 15 amended in Gazette 23 Nov 2010 p. 5865.]

16. Dredging and reclamation

- (1) Subject to, and without affecting, any other provision of the Act or these regulations, a licence to dredge or reclaim shall be in the form of Form 6.
- (2) A person licensed under the Act to dredge in, or reclaim, any waters —
 - (a) shall not —
 - (i) dispose of the spoil dredged except in such manner as is approved in the licence; or
 - (ii) diverge from the limits as to depth and extent authorised by his licence by more than the tolerance specified in the licence;and
 - (b) shall —
 - (i) comply from time to time with such reasonable requirements as to the location of any floating pipeline as may be made by an inspector for the purpose of facilitating the navigation of those waters; and
 - (ii) have such survey carried out upon request by, and to the satisfaction of, the Minister as may be necessary to ascertain that any dredging, disposal of spoil, or reclamation, is in accordance with the licence; and
 - (iii) in so far as any dredging, disposal of spoil, or reclamation has been carried out other than as authorised by a licence, carry out such remedial work as the Minister may direct;and
 - (c) is not, by reason of such licence, relieved of any other obligation imposed by law in relation to any dredging.

[Regulation 16 amended in Gazette 23 Nov 2010 p. 5865.]

Division 2 — Jetty licences

17. Licences under Jetties Act

- (1) In this regulation —

jetties CEO means the chief executive officer as defined in the Jetties Act section 3;

jetty has the same meaning as in the Jetties Act;

jetty licence means a licence issued under the Jetties Act section 7.

- (2) A person who holds a jetty licence in respect of a jetty is, for the purposes of these regulations, taken to hold a licence in respect of the jetty.
- (3) The jetties CEO shall, before issuing a jetty licence, give the Minister an opportunity to make recommendations in respect of the issue of the licence and shall have regard to any recommendations made by the Minister.

[Regulation 17 inserted in Gazette 23 Nov 2010 p. 5864.]

Division 3 — Disposal licences

18. Application for and issue of disposal licence (Act s. 47)

- (1) An application under section 47(1) of the Act for a disposal licence shall be made to the Minister in the form of Form 7.
- (2) The officer receiving an application for a disposal licence shall forthwith endorse thereon the date on which it was received.
- (3) A disposal licence granted under section 47(3) of the Act —
- (a) shall be in the form of Form 8;
 - (b) shall, upon payment of the issuing fee and the licence fee as set out in Schedule 2, be issued to the person or body applying for the licence;

- (c) shall, subject to section 47(9) of the Act, be valid for one year from the date on which it is issued, but without prejudice to the right of the licensee to apply for a renewal of the licence;
- (d) may, where the nature of the operations is not intended to be altered in any way that would alter the quality or quantity of the discharge the subject of the licence, upon application in writing within 60 days before the expiration of that licence containing a statement to that effect together with payment of the licence fee as set out in Schedule 2, be renewed for a further year commencing immediately after the licence would have otherwise expired;
- (e) may, in the circumstances referred to in regulation 19(1) and at the discretion of the Minister, be transferred for the balance of its term to another person or body, subject to any conditions upon which it was issued and any further conditions that may be imposed.

[Regulation 18 amended in Gazette 23 Nov 2010 p. 5865.]

19. Transfer of disposal licence

- (1) A person or body acquiring an interest in operations giving rise to waste the discharge of which is the subject of a disposal licence may, within 30 days after acquiring that interest, apply for the transfer to him or it of that licence if it is not intended that the nature of the operations will be changed in any way that would alter the quality or quantity of the discharge the subject of the licence.
- (2) An application shall be made in writing to the Minister, and the applicant shall provide such information relevant to the application as the Minister may request.
- (3) Where the Minister approves the application, upon the applicant paying the appropriate fee set out in Schedule 2 and producing the current licence, the Minister shall endorse on the licence the date from which the transfer has effect, the name of the

Waterways Conservation Regulations 1981

Part V Licences

Division 3 Disposal licences

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transferee and any further conditions that may be imposed in respect of the licence as so transferred, and the licence as so transferred shall have effect thereafter as if it had been so granted to the transferee in the first instance.

(4) A person who —

- (a) intends to, and lawfully may, make application within the time limited by, and otherwise in accordance with, this regulation for the transfer of current disposal licence; or
- (b) is awaiting the determination of such an application,

may, pursuant to that licence, discharge or deposit any matter as if he were the holder of the licence as issued.

[Regulation 19 amended in Gazette 23 Nov 2010 p. 5865.]

[Division 4 (r. 20) deleted in Gazette 30 Dec 2004 p. 7001.]

Part VI — Inspectors and honorary wardens

21. Inspector's certificate (Act s. 61(3))

A certificate of appointment as an inspector issued pursuant to section 61(3) of the Act shall be in the form of Form 9, showing the management areas in relation to which the inspector is appointed, and shall be signed for the appointing body by a person authorised in that behalf.

22. Honorary warden's certificate (Act s. 62(4))

- (1) A certificate of appointment as an honorary warden issued pursuant to section 62(4) of the Act shall be in the form of Form 10, showing —
- (a) the geographical area in relation to which the honorary warden is appointed; and
 - (b) any limitation on the general powers of honorary wardens, to which the appointment may be subject,

and shall be signed for the appointing body by a person authorised in that behalf.

- (2) Upon termination of the appointment of a person as an honorary warden that person shall forthwith return to the appointing body the certificate of his appointment.

23. Honorary warden's functions

An honorary warden —

- (a) may, where a person commits an offence against the Act or these regulations, upon identifying himself as an honorary warden and, if required by that person, producing his certificate of appointment —
 - (i) demand the name and address of that person; and
 - (ii) warn that person as to the nature of the offence; and

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- (iii) require that person to comply with the provision offended against; and
 - (iv) report the name and address of that person and the time, place, and nature of the offence, to the CEO;
- (b) may, as often as he sees fit, and shall, when required to do so, report to the CEO as to the condition of, the use of, or other matters relating to, any waters or associated land within the area in respect of which he is appointed.

[Regulation 23 amended in Gazette 23 Nov 2010 p. 5864.]

24. Impersonating inspector or honorary warden

A person, not being or having reasonable cause to believe himself to be, an inspector or honorary warden appointed under the Act, who holds himself out, either expressly or by conduct, to be such an inspector or honorary warden, commits an offence and is liable to a penalty of \$500.

Part VII — Modified penalties

[25. *Deleted in Gazette 23 Nov 2010 p. 5864.*]

26. Infringement notice, issue and effect of

- (1) Where an inspector has reason to believe that a person has committed an offence against a provision referred to in column 1 of Schedule 3, he may personally give to that person an infringement notice in the form of Form 11, duly completed to show —
 - (a) the date, time, and nature of the alleged offence;
 - (b) a precise reference to the provision allegedly contravened;
 - (c) the amount of the modified penalty set out in column 2 of Schedule 3 in respect of that offence, that may be paid pursuant to subregulation (2);
 - (d) the place at which, and the time prescribed by subregulation (2) within which, the modified penalty may be paid.
- (2) A person who receives an infringement notice under subregulation (1) may within 21 days thereafter, or such further time as the CEO may allow, pay the modified penalty as set out in that notice.
- (3) A person who —
 - (a) pursuant to and in accordance with an infringement notice and within the time prescribed by or allowed under subregulation (2), pays the modified penalty as set out in that notice shall not, unless that notice is withdrawn in accordance with regulation 27, be proceeded against under the Act in respect of the alleged offence;

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- (b) does not within that time so pay the modified penalty as set out in that notice — shall be deemed to have elected not to avail himself of the provisions of this regulation.

[Regulation 26 amended in Gazette 23 Nov 2010 p. 5864.]

27. Withdrawal of infringement notice

- (1) The CEO may, whether or not the modified penalty has been paid, withdraw an infringement notice at any time within 28 days after the notice was given, by sending a notice in the form of Form 12, signed by the CEO, to the alleged offender.
- (2) Where an infringement notice is withdrawn under this regulation, any modified penalty paid pursuant thereto shall be refunded and thereupon shall, for the purposes of regulation 26(3), be deemed not to have been paid.

[Regulation 27 amended in Gazette 23 Nov 2010 p. 5865.]

[Part VIII deleted in Gazette 29 Dec 1995 p. 6303.]

[Part IX omitted under the Reprints Act 1984 s. 7(4)(f).]

Schedule 1

Form 1

Waterways Conservation Act 1976

APPLICATION FOR A LICENCE FOR A PRIVATE BOAT RAMP

I/We, the undersigned, hereby make application for a licence for the construction of a private boat ramp on Lot No. Street Name and No.

Locality

Brief Description of proposed works

.....

Name (of owner)

Address

.....

Anticipated Use

Approximate No. of persons Relationship to applicant

No. of boats Length and type of each boat

.....

Date

Signature

Address for serving of notices

.....

(if the same as above insert "as above")

Application must be accompanied by the following in duplicate: —

- (a) Plan showing Lot No. and proposed location of the boat ramp on the lot.
- (b) Evidence of ownership of the above premises (e.g. copy of certificate of title).
- (c) Drawings of proposed structure with sufficient details of type and sizes of materials to enable strength characteristics to be assessed.
- (d) Any other details considered relevant.

Form 2

Waterways Conservation Act 1976

LICENCE FOR A PRIVATE BOAT RAMP

Issued under section 46 of the Act.

This licence authorises

.....
Name

.....
Address

to construct a private boat ramp at

.....
(Location of boat ramp)

in accordance with the plans and specifications attached.

Subject to special conditions as set out on the reverse side of this licence.

.....
Date of issue

.....
Minister (or delegate)

(Reverse of Form 2)

SPECIAL CONDITIONS

[Form 2 inserted in Gazette 23 Nov 2010 p. 5865-6.]

Form 3

Waterways Conservation Act 1976

APPLICATION FOR A LICENCE TO CONSTRUCT A RETAINING WALL

I/We the undersigned, hereby make application for a licence for the construction of a retaining wall on Lot No. Street Name and No.

Locality Brief description of proposed works

.....

Name (of owner)

Address

.....

Date

Signature

Address for serving notices

.....

.....

(If the same as above insert "as above")

Application must be accompanied by the following in duplicate: —

- (a) Plan showing Lot No. and proposed location of the retaining wall on the lot.
- (b) Evidence of ownership of the above premises (e.g. copy of certificate of title).
- (c) Drawings of proposed structure with sufficient details of type and sizes of materials to enable strength characteristics to be assessed.
- (d) Any other details considered relevant.

Form 4

Waterways Conservation Act 1976

LICENCE TO CONSTRUCT A RETAINING WALL

Issued under section 46 of the Act.

This licence authorises

.....
Name

.....
Address

to construct a retaining wall at

.....
(Location of retaining wall)

in accordance with the plans and specifications attached.

Subject to special conditions as set out on the reverse side of this licence.

.....
Date of issue

.....
Minister (or delegate)

(Reverse of Form 4)

SPECIAL CONDITIONS

[Form 4 inserted in Gazette 23 Nov 2010 p. 5866.]

Form 5

Waterways Conservation Act 1976

APPLICATION FOR A LICENCE TO CARRY OUT DREDGING AND/OR
RECLAMATION

I/We, the undersigned, hereby make an application for a licence to carry out dredging and/or reclamation works at: —

.....
(Brief description of location of proposed works)

Name

Address

Date on which it is proposed to commence work

Date

Signature

In support of the above application the following information is submitted.

1. Estimated quantity of spoil to be dredged cubic metres
2. Nature of spoil
3. Location of spoil area on which dredged material is to be discharged
.....
4. Use of spoil: —
 - (a) Carted away for industrial use
 - (b) Left *in situ* to elevate low lying land
5. Type of equipment proposed to be used for dredging
6. Estimated time required to complete the project
(if insufficient space for answers to the above, attach details.)

The application is to be accompanied by —

- (a) a plan (in duplicate) showing extent of proposed dredging, depth to be dredged, and area proposed to receive spoil; and
- (b) evidence of ownership of the land on which the works are proposed to be carried out (e.g. copy of certificate of title).

[Form 5 amended in Gazette 23 Nov 2010 p. 5866.]

Form 6

Waterways Conservation Act 1976

LICENCE TO DREDGE AND/OR RECLAIM

Issued under section 46 of the Act.

This licence authorises

.....
Name

.....
Address

to carry out dredging and/or reclamation of the waters of the

.....
at
(Location of dredging and/or reclamation works)

in accordance with the plans and specifications attached.

This licence is for the period ending / / and is subject to the special conditions set out on the reverse side of this licence.

.....
Date of issue

.....
Minister (or delegate)

(Reverse of Form 6)

SPECIAL CONDITIONS

[Form 6 inserted in Gazette 23 Nov 2010 p. 5866-7.]

Form 7

Waterways Conservation Act 1976

APPLICATION FOR A DISPOSAL LICENCE

I/We, the undersigned, hereby make an application for a licence to discharge wastes into the waters.

Name

Address

Name of Business or Industry

Date on which it is proposed to begin discharging the wastes

Date

Signature

In support of the above application the following information is submitted: —

Is sewer available? Yes/No

If “yes” can the waste be disposed of into sewer

Source of waste(s) to be discharged

Nature of waste(s) to be discharged

Expected temperature of the waste(s) to be discharged

Quantities of waste(s) to be discharged. (Litres)

Minimum	Maximum
---------	---------

Per hour	
----------------	--

Per day	
---------------	--

Per week	
----------------	--

Period over which wastes are produced

River into which waste(s) will discharge

Manner of discharge? Direct/tributary/drain

Is there any proposed treatment of the waste(s) prior to discharge

If “yes” what is the proposed treatments

.....

A chemical analysis of the proposed waste(s) by an approved laboratory.

A flow diagram indicating the path of proposed waste(s) up to the point where it leaves the premises.*

Each application must be supported by sketched plans and details of any plant installed to treat wastes prior to discharge to the water.*

Waterways Conservation Regulations 1981
Schedule 1

Applications to be forwarded IN DUPLICATE.

Note: Where the requirement of information is marked with an asterisk if the information required is substantially the same as information submitted in respect of a current licence only the variations need be specified.

[Form 7 amended in Gazette 23 Nov 2010 p. 5867.]

Form 8

Waterways Conservation Act 1976

DISPOSAL LICENCE

Issued under section 47 of the Act.

This licence authorises

.....
Name

.....
Address

to discharge directly or via a drain, the wastes detailed on the reverse side
of this licence into the waters of the

.....
at
(Location of discharge point)

This licence is for one year from the date of issue and is subject to the special
conditions set out on the reverse side of this licence.

.....
Date of issue

.....
Minister (or delegate)

(Reverse of Form 8)

SPECIAL CONDITIONS AND DETAILS OF WASTE

[Form 8 inserted in Gazette 23 Nov 2010 p. 5867-8.]

Form 9

Waterways Conservation Act 1976

CERTIFICATE OF APPOINTMENT INSPECTOR

This is to certify that:

on _____ was appointed
as an inspector under the *Waterways Conservation Act 1976*, to exercise his powers in _____
(area)

_____
Affix	Signature of CEO (or delegate)
photograph
here	Signature of Inspector

[Form 9 inserted in Gazette 26 Nov 1996 p. 6638; amended in Gazette 23 Nov 2010 p. 5868.]

Form 10
Waterways Conservation Act 1976
CERTIFICATE OF APPOINTMENT
HONORARY WARDEN

This is to certify that:

was appointed on

as an honorary warden under the *Waterways Conservation Act 1976* and,
subject to any limitations shown on the reverse side of this certificate, is
authorised to exercise the powers of any honorary warden under the Act within
the area

in the

management area.

<hr style="width: 100%;"/>
Affix	Signature of CEO (or delegate)
photograph
here	Signature of honorary warden

Note: Certificate to be produced on request.

(Reverse of Form 10)

The authority of the person named in this certificate as an honorary warden is limited to the area shown herein, and to the doing of all or any of the following things:

*[Form 10 inserted in Gazette 26 Nov 1996 p. 6638-9; amended in
Gazette 23 Nov 2010 p. 5868.]*

Form 11
Waterways Conservation Act 1976
INFRINGEMENT NOTICE

TO Serial No.
.....
..... Date

You are hereby notified that it is alleged that on
the day of 20
at about o'clock in the noon you did
.....
.....
.....
.....
in contravention of

(Specific provision)

The modified penalty prescribed for this offence is \$
If you do not wish to have a prosecution notice of the above offence heard and
determined by a court you may pay the modified penalty within 21 days after
receipt of this notice.

If payment is not made within 21 days after receipt of this notice, court
proceedings may be instituted against you.

Payment may be made either by posting this form, together with the amount of
the modified penalty mentioned above, to the office of the
Department at or by presenting
this form and paying that amount personally at the above address between the
hours of a.m. and p.m. on any day except a Saturday, Sunday, or
public holiday.

.....
Signature of Inspector.

*[Form 11 amended in Gazette 4 Apr 2008 p. 1314; 23 Nov 2010
p. 5868.]*

Form 12
Waterways Conservation Act 1976
WITHDRAWAL OF INFRINGEMENT NOTICE

TO DATE

Infringement Notice No. dated
for the alleged offence of
contrary to
and specifying a modified penalty of \$ is hereby withdrawn.

The modified penalty of \$

* is refunded herewith

* has not been, and should not be, paid

(* delete as appropriate)

.....
Signature of CEO (or delegate).

[Form 12 amended in Gazette 23 Nov 2010 p. 5868.]

Schedule 2

Fees

	\$
Licence for a private boat ramp —	
grant.....	30
Licence to construct a retaining wall —	
grant.....	50
Licence to dredge or reclaim —	
grant — per week or part thereof.....	20
transfer.....	50
Disposal licence —	
issuing fee.....	50
licence fee — per annum.....	50
transfer.....	25

Schedule 3

	Column 1	Column 2
	Provision contravened	Modified Penalty
		\$
Regulation	8(1)(a)	30
	8(1)(b)	50
	8(1)(c)	30
	8(1)(d)	50
	8(1)(e)	30
	8(1)(f)	50
	8(1)(i)	30
	10(1)(a)	30
	10(1)(b)	10

[Schedule 3 inserted in Gazette 3 Dec 1982 p. 4698.]



Notes

¹ This reprint is a compilation as at 28 January 2011 of the *Waterways Conservation Regulations 1981* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Waterways Conservation Regulations 1981</i>	14 Jul 1981 p. 2843-62	25 Aug 1981 (see r. 1(2))
<i>Waterways Conservation Amendment Regulations 1982</i>	3 Dec 1982 p. 4698	3 Dec 1982
<i>Waterways Conservation Amendment Regulations 1995</i>	29 Dec 1995 p. 6303	1 Jan 1996 (see r. 2 and <i>Gazette</i> 29 Dec 1995 p. 6291)
<i>Waterways Conservation Amendment Regulations 1996</i>	26 Nov 1996 p. 6637-9	26 Nov 1996
<i>Waterways Conservation Amendment Regulations 1998</i>	22 Jan 1999 p. 221-2	22 Jan 1999
Reprint of the <i>Waterways Conservation Regulations 1981</i> as at 16 Nov 2001 (includes amendments listed above)		
<i>Waterways Conservation Amendment Regulations 2004</i>	30 Dec 2004 p. 7001	1 Jan 2005 (see r. 2 and <i>Gazette</i> 31 Dec 2004 p. 7130)
<i>Waterways Conservation Amendment Regulations 2008</i>	4 Apr 2008 p. 1313-14	r. 1 and 2: 4 Apr 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 5 Apr 2008 (see r. 2(b))
<i>Waterways Conservation Amendment Regulations 2010</i>	23 Nov 2010 p. 5860-8	r. 1 and 2: 23 Nov 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 24 Nov 2010 (see r. 2(b))
Reprint 2: The <i>Waterways Conservation Regulations 1981</i> as at 28 Jan 2011 (includes amendments listed above)		

Defined Terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined Term	Provision(s)
Act.....	2(1)
aircraft.....	2(1)
Jetties Act.....	2(1)
jetties CEO.....	17(1)
jetty.....	17(1)
jetty licence.....	17(1)
proximate to any waters.....	2(1)
regulation.....	2(1)
Schedule.....	2(1)
subregulation.....	2(1)
waters.....	6