



**Decision relating to a  
proposal for making  
of a waterway rule -  
Goulburn River from Hughes  
Creek to Goulburn Weir  
including Lake Nagambie**

Date of decision: 30/07/2025

Decision reference: 1057-2021-WR

# 1 Summary

The *Marine Safety Act 2010* (Vic) (**MSA**) has provisions for Safe Transport Victoria (**ST Vic**) to make waterway rules for or with respect to regulating or prohibiting the operation of any vessels or classes of vessel, regulating the use of State waters by bathers and others, if that use affects any boating activity, and regulating other equipment that must be carried on vessels for the purpose of safe navigation and the safety of life.

ST Vic may make a waterway rule for Victorian State waters at the request of port management bodies, local port managers and waterway managers (from herein waterway managers), a police officer, or on ST Vic's initiative.

Reasons must be given for making or not making a waterway rule, and after addressing the relevant considerations and principles of the MSA, ST Vic must publish its decision. This document outlines the decision and reasons relating to a proposal by Strathbogie Shire Council (**SSC**), from when they were the waterway manager, for making waterway rules for the Goulburn River from Hughes Creek to Goulburn Weir, including Lake Nagambie.

## 1.1 The problem

SSC, during its time as waterway manager, identified several key concerns that prompted the proposal for changes to Lake Nagambie and the Goulburn River waterway rules. In addition, it has been over a decade since the last review, and the area's growing popularity for recreational boating has increased the number of powered and non-powered vessels using the waterway. This surge has created serious safety concerns among the community and visitors.

SSC appointed a contractor, Life on the Water (LOTW), which conducted a review and closely consulted with the Nagambie Waterway Stakeholders Advisory Committee (NWSAC, convened by SSC). The review informed the 'Goulburn River Issues Paper', which identified key issues on the waterway to be addressed by the proposed waterway rules. Since the proposed waterway rules were submitted, SSC resigned as waterway manager in 2023. ST Vic is completing the implementation of the waterway rules in the absence of a waterway manager.

## 1.2 The proposal

The proposal submitted by SSC, endorsed by NWSAC, aims to improve safety on the waterway, reduce very high speeds on a confined waterway, meet the needs of a wide range of local and regional users and provide contemporary, relatively easy to communicate and enforceable rules that reflect the attributes of the waterway. The proposal had twelve key points creating new and amending existing waterway rules, which are outlined in Section 3.3 and in SSC's submission (refer to Appendix 3).

## 1.3 Public consultation and consideration of safety risks

ST Vic determined that the proposal by SSC was within the powers of ST Vic and was of a material nature.

SSC undertook community consultation between 25 October 2021 and 17 January 2022, over 14 weeks, taking into consideration the holiday period, through the Share Strathbogie website, seeking feedback on the proposed waterway rules. Feedback from this engagement was considered by ST Vic, when determining whether the rules would be implemented.

ST Vic has considered the safety risks the proposed rule seeks to address, alternatives to making the waterway rule, and costs and benefits. These are outlined further in this document.

## 1.4 ST Vic's decision

ST Vic has decided to make the waterway rules for the Goulburn River from Hughes Creek to Goulburn Weir, including Lake Nagambie. The rules are outlined in Appendix 3.

The decision will require ST Vic to:

- Publish a notice on its internet site and in the Victorian Government Gazette notice to enact the rules.

In the absence of a waterway manager, prior to the rule being enacted, ST Vic will also be required to, so far as is reasonably practicable:

- Install signs and aids to navigation on the waterway so the rule is visible to waterway users.
- Undertake a communication and education program to ensure waterway users are informed and aware of the waterway rule.

## 2 Background

### 2.1 The appointed waterway manager

The waters of the Goulburn River from Hughes Creek to Goulburn Weir, including Lake Nagambie, were managed by SSC at the time the proposal for changes to the waterway rules was submitted. However, on 9 November 2023, the council formally resigned from this role due to their inability to secure the necessary funding to continue managing the waterway.

There is no waterway manager declared in accordance with section 6 of the MSA to undertake the role and functions of a waterway manager under the MSA.

### 2.2 The nature of the waterway

Lake Nagambie is a 170-hectare man-made reservoir located approximately 122 kilometres north of Melbourne. The lake was formed by the damming of the Goulburn River by the Goulburn Weir in 1891. The Goulburn River, the longest river in Victoria, is a major source of irrigation water in northern Victoria and the waters impounded by the weir provide recreation boating opportunities on the river, Lake Nagambie and the Goulburn Weir. The section of the Goulburn River from Hughes Creek to Goulburn Weir covers approximately 33 kilometres.

Lake Nagambie and the Goulburn River from Hughes Creek to Goulburn Weir is a popular destination for holiday makers and water sport enthusiasts. Water-based activities include power boating, commercial water-based tours, water skiing, rowing, canoeing, kayaking, fishing, and swimming. Lake Nagambie and the Goulburn River are popular venues for rowing regattas and water-skiing tournaments. The Nagambie Lakes Regatta Centre is a well-utilised water sports facility that offers a 2000m, fully buoyed, National Standard rowing and canoeing course.

### 2.3 The waterway rules

The current waterway rules for the Goulburn River from Hughes Creek to Goulburn Weir, including Lake Nagambie, are detailed in Schedule 91 of the Vessel Operating & Zoning Rules. Schedule 91 was created under section 184 of the Marine Safety Act (MSA) and published in the Victoria Government Gazette S221 on 28 June 2012, with a non-material rewrite published in S125 on 24 April 2017 under section 184 of the MSA. The rules in Schedule 91 are in addition to the general statewide rules that apply to all Victorian waters.

The waterway rules for the Goulburn River and Lake Nagambie have been in place for many years and always included various zones such as 5-knot and 20-knot speed restriction areas, areas prohibited to vessels, and exclusive use areas for water skiing and a rowing course area. During the early 2000s, the rules were updated to address safety and environmental concerns.

## 3 Application to make waterway rules

On 17 November 2021, SSC submitted a Notice of Intention to Request a Waterway Rule<sup>1</sup> to Transport Safety Victoria, now ST Vic.

The proposal submitted by SSC was to:

1. Comprehensively define 3 new Speed Zones for the entire waterway:
  - 30 Knot maximum speed limit in wider long straight sections.
  - 20 Knot Speed limit in areas with multiple bends and generally short straights, and Lake Nagambie, where it is shallower.
  - 5 Knot Speed limit near infrastructure, in areas of high traffic, and busy shore facilities.
  - Provide permission for vessels engaged in bare-footing to travel up to 35 Knots in 30 Knot Zones where towed sports are allowed on the Goulburn River.
2. Apply the exemption to the 5 Knots - 50m from the bank rule to the entire Goulburn River section of the waterway.
3. Designate additional areas for undertaking towed-sports. Continue allowing towed sports on Lake Nagambie, but reduce the maximum speed to 20 Knots.
4. Apply the current exemption for vessels engaged in water-skiing passing each other at 50m or less to all areas designated as suitable for towed-sports.
5. Expand an existing exemption to enable vessels engaged in towed-sports in designated towed-sports areas to pass other moving and stationary powered vessels, at less than 50m distance on the Goulburn River and Lake Nagambie
6. Further define and formalise the direction of travel on Lake Nagambie by including strategic rounding buoys, providing conventions for slower vessels to use the outside of the course, and incorporating a safer realignment of adjacent shore Speed and Vessel type Zones. Rules would include a 'no freestyling' requirement on PWCs to hold predictable courses.
7. Initiate a 'No Wake – Maximum 5 Knots Rule' applicable to all 5 Knot Zones on the Goulburn River and Lake Nagambie
8. Restrict wake-surfing (using a semi-displacing vessel to create a wave that will propel a board-rider, with or without a tow rope).

### 3.1 ST Vic's powers

After assessing the Notice of Intention, ST Vic determined that the proposed rules were:

- within the powers of ST Vic to make a rule, and
- of material nature.

Given the determination that the proposal was within the powers of ST Vic and was of material nature, SSC, the waterway manager at the time, was required to undertake public consultation.

### 3.2 Request to make waterway rules from the waterway manager

The Request for Making a Waterway Rule (**Request**) was received by ST Vic on 30 March 2023. A copy of the Request is provided in Appendix 2.

In making the request for waterway rules SSC, the waterway manager at the time was required to:

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- provide a description of the proposed rule and advise if it was amended following the public consultation,
- provide a statement of the nature and scope of the problem and how the proposed rule addresses it,
- address the mandatory considerations,
- provide a list of submissions and detail matters raised in submissions, and
- explain how it, as the waterway manager, had taken into account the submissions in addressing the mandatory considerations.

SSC submitted the Request in writing, with the required information.

### 3.3 Description of proposed waterway rule

SSC submitted the following proposed waterway rules for the Goulburn River from Hughes Creek to Goulburn Weir, including Lake Nagambie:

1. Speed limits for the waterway that remove the option for Unrestricted Speed.
  - a) Apply a 30 Knot Maximum Speed Limit - in wider, long straights with good depths and very good visibility on the Goulburn River.  
Specifically, the existing Exclusive Use Zone for waterskiing and the existing unrestricted area downstream of Kirwans Bridge.
  - b) Apply or maintain a 20 Knot Speed Limit - on the Goulburn River in areas with multiple bends and generally short straights with good visibility, and on Lake Nagambie, which is shallower with multiple areas of 1.5m deep.  
Specifically, existing areas with some boundary amendments and new areas downstream of Teddy Bear Island, including the "S-bends" and Lake Nagambie.
  - c) Change five (5) knot speed restriction zones to a new rule - 'No Wake- Maximum 5 Knots Zones'.  
Specifically apply to existing 5 knot zones near infrastructure, areas of high traffic and busy shore facilities (such as Goulburn River near Nagambie Leisure Park, Nagambie town dock on Lake Nagambie, near winery docks on the Goulburn River, at bridges crossing the waterway, and near ramps providing access to Lake Nagambie and the Goulburn River).
  - d) Provide permission for vessels engaged in bare-footing to travel up to 35 Knots in 30-knot zones where towed sports are allowed on the Goulburn River.
2. Apply the exemption to the 5 Knots - 50m from the bank rule to the entire Goulburn River section of the waterway.  
Specifically, refine 91.3 Excluded speed limit for the purposes of Clauses 3(a) and 3(b) to include waters downstream of Kirwans Bridge.
3. Designate additional areas for undertaking towed sports. Continue allowing towed sports on Lake Nagambie, but reduce the maximum speed to 20 knots.  
Specifically allow towed sports in the existing Exclusive Use Zone (30-knot limit), proposed new 30-knot zone downstream of Kirwans Bridge to Goulburn Weir and 20-knot zone on Lake Nagambie.
4. Apply the current permission for vessels engaged water-skiing passing each other at 50m or less, to all areas designated as suitable for towed sports. Change the terminology from water-skiing to Towed Sports.  
Specifically, the 3 zones suitable for towed sports.
5. Expand the existing exemption to enable vessels engaged in towed sports in designated towed-sports areas to pass other moving and stationary powered vessels at less than 50m distance on the Goulburn River and Lake Nagambie.  
Specifically, the 3 zones suitable for towed sports.
6. Further define and formalise the anti-clockwise direction of travel on Lake Nagambie.  
Specifically, include seasonal rounding buoys to define courses, require slower vessels to use the outside course, prohibit 'freestyling' on PWCs on the course and other proposed operating rules for PWCs and vessels operating at less than 5 knots to attend a fallen skier.

7. Modify State Rules 2 and 3 and apply to all existing 5 knot zones in the State Rules and Schedule 91, specifically, that when vessels are required to travel at 5 knots, they must be underway at a speed that generates No Wake.
8. Do not allow wake-surfing on the waterway, including the Goulburn River or Lake Nagambie. Specifies options to define wake-surfing, such as using a semi-displacing vessel to create a wave, stipulate that all towed sports participants must travel at least 15m behind the tow vessel.
9. Prohibit swimming between Deliah Island and the Leisure Park.

The proposal had changed from the initial intention following public consultation. SSC indicated some strategies proposed in the initial Notice of Intention and explored in the public consultation process were considered not to be well supported enough, or appropriate for the waterway. Some proposed rules were rejected because of the consultation process. These rules were explored to improve and diversify towed-sports areas.

Proposed rules that did not proceed in the Request included:

- Changing the speed to 30 knots and introducing towed sports upstream of Mitchelstown Bridge
- Introducing towed sports upstream of Chainman's Bridge in the 20-knot zone
- Trialling wake surfing in areas upstream of Mitchelstown Bridge and in the Goulburn Weir.

SSC indicated there was general consensus that wake surfing was dangerous for other vessel users and inequitable in terms of the impacts of very large waves on most users, on a confined and congested waterway. A proposed rule to define and prohibit wake surfing has been included in the Request.

In addition, the Request includes introducing a rule prohibiting swimming between Deliah Island and the Leisure Park. This adjustment was not anticipated in formulating the initial intention, as swimming in this area is uncommon. The reason for the change is due to feedback received during discussions about the viability of lapping the lake at 20 knots, including passing north of Deliah Island. Alternative options for swimming are available in the Powered Vessels Prohibited Zone 180 metres southwest along the Leisure Park shoreline and in the Goulburn River adjacent to the Leisure Park with the proposed No Wake - Maximum 5 Knots Zone.

### 3.4 The problem – the matter/s being addressed

SSC, as waterway manager at the time, recognised that it had been over a decade since the speed limits and zoning on Lake Nagambie and the Goulburn River had been reviewed and that due to increasing visitation, growth in residential properties and regional tourism, the waterways have come under ever increasing pressure from the number of vessels both powered and non-powered sharing the waterways, causing serious safety concerns to be raised by the community and the visiting public.

SSC engaged a contractor, LOTW, and guided by the 2012 Nagambie Waterways Strategy, undertook strategic groundwork to inform the overall direction for improved rules. This included a Risk Review, complemented by a bathymetric survey and sub-surface feature detection of Nagambie Waterways and Lake Nagambie and regular reviews and consultation with the NWSAC. The investigations focused on the navigability of the river and the underwater features that could be hazardous. This informed the development of '*The Goulburn River Issues Paper*' and identified the following key issues:

- Providing clear, consistent, safe and intuitive speed zones.
- The need to reduce unrestricted speed on Lake Nagambie and sections of the Goulburn River.
- A lack of understanding and compliance with speed and distance rules.
- Improving compliance with the direction of travel on Lake Nagambie.
- Providing effective and functional AtoNs that shape safer behaviours.
- Managing the impacts of large wakes on other waterway users.
- Improving and diversifying additional towed-sports areas.
- Integration of major events with other waterway users.
- Managing riverbank erosion.

The proposed rules prepared by LOTW and set out in the Request were reviewed and endorsed by SSC and NWSAC. SSC indicated the proposed rules aim to reduce the speeds to prevent accidents and seek to balance the diverse needs of waterway users and ensure the waterway is safe and accessible.

## 4 Mandatory considerations<sup>2</sup>

### 4.1 Safety risk(s) being addressed

SSC in the Request identified the following safety risks and issues that the proposed waterway rules seek to address:

Proposed Rule	Safety issues/risks the proposed rule addresses
1. Speed limits for the waterway that remove the option for Unrestricted Speed. a) Apply a 30 Knot Maximum Speed Limit	<ul style="list-style-type: none"> <li>Limits very high-speed vessels like super/turbocharged PWCs, 'Bass' fishing boats, and high-powered towed sports vessels to 30 Knots on a confined waterway.</li> <li>This is a significant reduction in speed. The margins of the waterway often feature drowned river-gum stumps that increase risks associated with losing control of a vessel at very high speeds.</li> </ul>
b) Apply or maintain 20 Knot Speed Limit.	<ul style="list-style-type: none"> <li>Limits very high-speed vessels like super/turbocharged PWCs, 'Bass' fishing boats and high-powered towed sports vessels to 20 Knots.</li> <li>On a narrow section with tighter bends on a confined waterway. The margins of the waterway often feature drowned river-gum stumps that increase risks associated with losing control of a vessel at high speeds.</li> <li>On Lake Nagambie, there are multiple shallower areas around 1.5m deep. There are significant stumps and snags on the margins of the lake and to the sides of the anti-clockwise course.</li> <li>A slower speed provides more reaction time on a busy lake and 'backed off' vessel 'coast on' for a much shorter distance when limited to 20 Knots.</li> <li>Consistent with Victorian and interstate conventions, towed sports are regulated in shallow areas. 20 Knots still provides opportunities for family and beginner towed sports.</li> </ul>
c) Change Five (5) knot speed restriction zones to a NO WAKE- Maximum 5 Knots Zones.	<ul style="list-style-type: none"> <li>Introducing this rule provides a pathway to eliminating dangerous wakes in busy areas. It enables better self-regulation, as vessel operators can monitor their wake and comply regardless of vessel type and loading. More vessels are using the waterway. There are increasingly diverse vessel types that are more powerful and displace more water at 5 Knots, i.e. are able to legally put out a larger wake at 5 knots.</li> </ul>

<sup>2</sup> MSA section 183 (refer Appendix 1 - 6)

Proposed Rule	Safety issues/risks the proposed rule addresses
	<ul style="list-style-type: none"> <li>• Large wakes produced by vessels travelling at approximately 5 Knots can swamp smaller vessels, damage moored vessels, make launching and retrieving at ramps dangerous, and make the retrieval of towed sports participants from the water less safe. Wakes, in part, contribute to bank stabilisation and damage shore infrastructure.</li> <li>• Enforcing and complying with the 5 Knot rule can be problematic. Non-GPS speedos do not register under about 10 knots, so operators must estimate a fast-walking pace - on the water.</li> </ul>
<p>d) Provide permission for vessels engaged in bare-footing to travel up to 35 Knots in 30 Knot Zones where towed-sports are permitted</p>	<ul style="list-style-type: none"> <li>• Nearly all participants, regardless of size or weight, can bare-foot at 35 Knots; however, 30 Knots is too slow for some participants.</li> <li>• Community feedback and NWSAC input strongly support a maximum of 30 Knots as the upper speed limit on a confined waterway, and believe 35 Knots for all users is considered an unnecessary risk.</li> <li>• Permission for Bare-footers to travel at a higher speed is more likely to encourage compliance by a small but influential group of towed sports experts.</li> </ul>
<p>2. Apply the exemption to the 5-Knots/50m from the bank rule to the entire Goulburn River section of the waterway.</p>	<ul style="list-style-type: none"> <li>• River topography upstream and downstream of Kirwans Bridge is very similar.</li> <li>• Applying the 5 Knots/50m from the bank rule is not practical downstream of Kirwans Bridge, as the river course and flooded banks do not provide an easily identifiable course 50m from the banks that is safe.</li> <li>• At times, hazards extend well beyond 50m from the shoreline, particularly immediately north of the bridge and at the north-eastern end of Bazeley Island. On the western shore of Bazeley Island, the deepest river course commences about 20m from the shoreline. The southern shore opposite Hide and Seek Winery is similar.</li> <li>• It is safer to provide the exemption and enable vessel operators to choose the safest, hazard-free course, which is relatively easy to identify and similar to most of the waterway, rather than focusing on staying 50m from a bank.</li> <li>• Providing the full width of the navigable riverbed path better enables vessels approaching each other to choose the safest path away from the drowned river banks while focusing on a good separation between vessels. This is particularly important where towed sports are being undertaken.</li> <li>• Different speed rules on either side of Kirwans Bridge have created confusion and un-informed / accidental non-compliance.</li> <li>• Simplifying the rule will enable straightforward communication with users and improve compliance and safety.</li> </ul>

Proposed Rule	Safety issues/risks the proposed rule addresses
<p>3. Designate additional areas for undertaking towed-sports. Continue allowing towed-sports on Lake Nagambie but reduce the maximum speed to 20 Knots.</p>	<ul style="list-style-type: none"> <li>• Currently only one area is designated for towed-sports on the Goulburn River. However towed-sports also occur in unrestricted speed areas downstream of Kirwans Bridge and on Lake Nagambie.</li> <li>• Increased numbers of vessels and more and larger, towed sports vessels are placing more pressure on these areas - particularly the Exclusive Use Zone.</li> <li>• On busy summer days the becomes congested and risk-taking increases as towed sports vessel weave amongst participants in vessels and in the water.</li> <li>• Restricting towed sports to 20-knots on Lake Nagambie should attract and separate lower speed and entry level participants.</li> <li>• More advanced or higher speed towed sport participants can be offered two well defined choices. Downstream of Kirwans Bridge into Goulburn Wier or the Exclusive use Zone upstream of Chinamans Bridge.</li> </ul>
<p>4. Apply the current exemption for vessels engaged in water-skiing passing each other at 50m or less to all areas designated as suitable for towed sports.</p>	<ul style="list-style-type: none"> <li>• Enabling vessels to pass within 50m at speed is an important tool in managing congestion in towed sports areas. Currently vessels are required to slow to 5 knots within 50m of a person in the water and this places the towed sports participant in the water. Vessels, tow ropes and people in the water can accumulate quickly and the area becomes increasingly unsafe as vessel circle to retrieve or restart towed sports participants.</li> <li>• The Towed Sports vessel operator has less control over the placement of participants floating in the water when compared with towing them at reasonable speed.</li> <li>• Currently only one area of the Goulburn River is designated for towed-sports, the Special Purposes Zone north of Chainman’s Bridge. Providing the same exemption for additional areas down stream of Kirwans Bridge and on Lake Nagambie should reduce congestion by putting less towed sports participants in the water.</li> </ul>
<p>5. Expand an existing exemption to enable vessels engaged in towed-sports in designated towed-sports areas to pass other moving and stationary powered vessels, at less than 50m distance on the Goulburn River and Lake Nagambie.</p>	<ul style="list-style-type: none"> <li>• This rule is proposed to ease congestion and avoid multiple towed-sports participants in the water.</li> <li>• Currently Towed Sports vessels must slow to 5 Knots when 50m from another power vessel underway or at rest. As in 4 (above) this places the towed sports participant in the water. Vessels, tow ropes and people in the water can accumulate quickly and the area becomes increasingly unsafe as vessel circle to retrieve or restart towed sports participants.</li> <li>• Provide advice that vessels should pass, port to port and minimise their wakes when passing.</li> </ul>
<p>6. Further define and formalize the anti-clockwise direction of travel on Lake Nagambie. Specifically, include seasonal rounding buoys to define courses,</p>	<ul style="list-style-type: none"> <li>• Currently the rule provides minimal direction on the course a vessel should take to avoid intersecting courses. Multiple vessels can execute ‘short laps’ and re-enter the long lap at about 90 degrees to most of the boating traffic.</li> </ul>

Proposed Rule	Safety issues/risks the proposed rule addresses
<p>require slower vessel to use the outside course, prohibit 'freestyling' on PWCs on the course and other proposed operating rules for PWCs and vessels operating at less than 5-knots to attend a fallen skier.</p>	<ul style="list-style-type: none"> <li>• Including seasonal turn buoys will organise boating traffic and increase separation by maximising lap length.</li> <li>• A "no freestyling" requirement focused on requiring lapping PWCs to hold predictable courses reduces the unpredictable turns that currently take place mid-lap.</li> <li>• By directing 'Freestyling' PWCs to 100m inside the designated lap course, their unpredictable behaviour is further separated from vessels undertaking laps with or without towed sports.</li> <li>• Freestyling PWC in the centre of the lake would still be required to maintain a 50m separation between vessels and a maximum speed of 20 knots.</li> </ul>
<p>7. Modify State Rules 2 and 3 and apply to all existing 5 knot zones in the State Rules and Schedule 91, specifically, that when vessels are required to travel at 5 knots, they must be underway at a speed that generates NO WAKE.</p>	<ul style="list-style-type: none"> <li>• This rule enables vessel operators to effectively measure their own performance against the rule. 'Is a wake present or not?'</li> <li>• Low speed operations around 5 Knots can often generate large wakes, and some vessels are designed to generate large wakes.</li> <li>• This rule would significantly reduce the safety risks associated with unnecessary wakes and their effect on paddle and rowing craft, launching and retrieving of vessels.</li> <li>• Reducing wakes improves the safety of people in the water near the shore and when towed sport vessels are manoeuvring to retrieve participants.</li> <li>• Reducing wakes in busy areas will also reduce some bank erosion and damage to shore infrastructure.</li> </ul>
<p>8. Do not allow wake-surfing on the waterway, including the Goulburn River or Lake Nagambie. Specifies options to define wake-surfing, such as using a semi-displacing vessel to create a wave, stipulate that all towed sports participants must travel at least 15m behind the tow vessel.</p>	<ul style="list-style-type: none"> <li>• Many in the boating community feel that wake surfing is inequitable as it makes use of a more confined waterway difficult or dangerous. Many powerboats purchased for river use do not cross large wakes safely or comfortably. Rowing and paddle craft are easily swamped by 1m plus wakes.</li> <li>• NWSAC does not support the activity or a trial of the activity on the waterway, given strong concerns regarding the impact of 1m plus wakes on the safety of family boating, other towed sports participants, fishers in small boats and commercial operations on the waterway.</li> <li>• Wake surfing has occurred on the waterway, and the impact on riverbanks is unknown. NWSAC maintain the Precautionary Principle, which asserts that the burden of proof for potentially harmful actions by government rests on the assurance of safety and that when there are threats of serious damage, scientific uncertainty must be resolved in favour of prevention.</li> </ul>
<p>9. Prohibit swimming between Deliah Island and the Leisure Park.</p>	<ul style="list-style-type: none"> <li>• Swimming in this area is not common. The issue was raised during NWSAC discussions of the viability of lapping the lake at 20 Knots, including passing north of Deliah Island.</li> </ul>

## 4.2 Alternatives

SSC in the Request considered the following alternative options to address the safety risk/s identified:

Proposed Rule	Alternatives
<p>1. Speed limits for the waterway that remove the option for Unrestricted Speed.</p> <p>a) Apply a 30 Knot Maximum Speed Limit</p> <p>b) Apply or maintain 20 Knot Speed Limit.</p> <p>c) Change Five (5) knot speed restriction zones to a No Wake - Maximum 5 Knots Zones.</p>	<ul style="list-style-type: none"> <li>• Compliance work by Victorian Water Police.</li> <li>• Education by waterway officers.</li> <li>• Education and compliance by SSC contractors.</li> <li>• Sign, web, and device boating information highlighting hazards and safety obligations.</li> </ul>
<p>d) Provide permission for vessels engaged in bare-footing to travel up to 35 Knots in 30 Knot Zones where towed-sports are permitted</p>	<ul style="list-style-type: none"> <li>• Bare-footing can be ignored. A 30 Knot maximum would largely prohibit this activity; however, there would be occasional non-compliance when conditions were suitable for bare-footing.</li> </ul>
<p>2. Apply the exemption to the 5-Knots/50m from the bank rule to the entire Goulburn River section of the waterway.</p>	<ul style="list-style-type: none"> <li>• Improved communication</li> <li>• Marking the existing 5 Knot-50m rule downstream of Kirwans Bridge with lateral marks is expensive and would not improve safety, as the marked course would not necessarily follow the deeper riverbed if confined by the 50m from shore rule.</li> </ul>
<p>3. Designate additional areas for undertaking towed sports. Continue allowing towed sports on Lake Nagambie, but reduce the maximum speed to 20 Knots.</p>	<ul style="list-style-type: none"> <li>• Two additional areas were considered <ul style="list-style-type: none"> <li>- Immediately upstream of Chinaman's Bridge, however, the impact on passing vessel traffic and boat-based fishing meant that reintroducing towed sports to this area was not supported by the NWSAC.</li> <li>- Immediately upstream of Mitchelstown Bridge, however, river travel times and the impact on boat-based fishing meant that introducing towed sports to this area was not supported by the NWSAC.</li> </ul> </li> <li>• Rostering hours for specific activities like towed sport was also considered. Community support was low. Given regional use, the waterway manager would face big challenges in administering and enforcing such a system.</li> </ul>
<p>4. Apply the current exemption for vessels engaged in water-skiing passing each other at 50m or less to all areas designated as suitable for towed sports.</p>	<ul style="list-style-type: none"> <li>• Generally, the current behaviours of towed sports enthusiasts already reflect this proposed rule.</li> <li>• Education and compliance activities aimed at getting more vessels to slow and put their towed sports participant in the water partway along a Towed Sports Zone are unlikely to be successful, particularly when children riding knee boards or ski tubes can progress safely past another towed sport vessel.</li> </ul>
<p>5. Expand an existing exemption to enable vessels engaged in towed-sports in designated towed-sports areas to pass other moving and stationary powered vessels, at less</p>	<ul style="list-style-type: none"> <li>• Generally, the current behaviours of towed sports enthusiasts already reflect this proposed rule.</li> <li>• Education and compliance activities aimed at getting more vessels to slow down</li> </ul>

Proposed Rule	Alternatives
than 50m distance on the Goulburn River and Lake Nagambie.	
6. Further define and formalize the anti-clockwise direction of travel on Lake Nagambie. Specifically, include seasonal rounding buoys to define courses, require slower vessel to use the outside course, prohibit 'freestyling' on PWCs on the course and other proposed operating rules for PWCs and vessels operating at less than 5-knots to attend a fallen skier.	<ul style="list-style-type: none"> <li>• The current level of minimal direction is probably the only alternative to a more structured use of the lake.</li> <li>• Rostering hours for specific activities like towed sport was also considered. Community support for this option was unenthusiastic or low. Given regional use, the waterway manager would face big challenges in administering and enforcing such a system.</li> <li>• Alternatively, compliance with seasonal rounding buoys could be included in a Waterway Code. The code could also provide conventions directing slower vessels to use the outside of the course.</li> </ul>
7. Modify State Rules 2 and 3 and apply to all existing 5 knot zones in the State Rules and Schedule 91, specifically, that when vessels are required to travel at 5 knots, they must be underway at a speed that generates NO WAKE.	<ul style="list-style-type: none"> <li>• No change to the rule is the only alternative identified; however, self-regulation is proving unsatisfactory because some vessel operators are inclined to 'creep' up to 6 to 10 knots, GPS speedos are set to KPH or MPH, and rely on estimating a 'fast walking pace' (over water).</li> </ul>
8. Do not allow wake-surfing on the waterway, including the Goulburn River or Lake Nagambie. Specifies options to define wake-surfing, such as using a semi-displacing vessel to create a wave, stipulate that all towed sports participants must travel at least 15m behind the tow vessel.	<ul style="list-style-type: none"> <li>• The only alternative for a confined waterway appears to be setting aside areas specifically for wake surfing or not allowing wake surfing. The areas identified were not supported.</li> </ul>
9. Prohibit swimming between Deliah Island and the Leisure Park.	<ul style="list-style-type: none"> <li>• No change to the rule is the only alternative identified.</li> <li>• Swimming is available in other safer areas</li> </ul>

### 4.3 Benefits and costs

SSC in the Request identified expected benefits of each of the proposed rules on those persons likely to be affected. These were common across many of the proposed rules and were summarised as follows:

- Easy to communicate and understand.
- Reduces overall speed, making the waterway safer.
- Discourages high-speed 'Hoon' behaviour.
- Simplifies education and compliance efforts.
- Supports competitive bare footing.
- Allows safer navigation by using deeper, hazard-free river courses.
- Separates high and low-speed towed sports, reducing congestion.
- Minimises the number of towed-sports participants in the water.
- Provides a safer, more organised use of busy sections.
- Avoids hazardous areas with better-marked courses.
- Reduces the impact of slow-speed wakes.
- Safer for all users, preventing hazardous wakes and waves in the river or lake.

SSC identified that the Costs to the persons likely to be affected by the rule would be low compared to the significant safety benefits and improved user experience. SSC anticipated the following costs to implement the proposed rules, as the waterway manager would include:

- Updating digital information for websites: < \$2000
- Education printed materials: < \$3000
- Regulatory signs and buoys: < \$15,000
- Turn buoys seasonally: < \$5000
- Boating Safety Signs: < \$3000
- Additional education and compliance: < \$20,000 p.a. x3
- Development of a Waterway Code: < \$3500
- Staff and contractor coordination sessions.

## 5 Public consultation

SSC conducted public consultation on the proposed changes to waterway rules from 25 October 2021 to 17 January 2022. The consultation was promoted through local media, social media platforms, eNewsletters, and on-site signage at key boating access points. The proposed rules were available for public feedback through the Engage Victoria and Share Strathbogie platforms. Participants had the opportunity to provide feedback via email, alongside their survey responses.

In addition to online engagement, council meetings were held at the Euroa Community Conference Centre, stakeholder briefings and community engagement sessions were conducted, and over 40 letters were sent to relevant state government authorities, registered Aboriginal parties, peak bodies, and waterway stakeholder groups.

SSC indicated the website recorded 874 views and garnered 150 contributions. During the consultation period, 74 survey responses and 7 written submissions were received. These included responses from individuals, community members, clubs and interested agencies. Most submissions supported the proposed rules, particularly those aimed at improving safety, reducing wake impacts, and clarifying speed zones.

SSC identified feedback from individuals and organisations highlighted several key themes:

- **Speed Zones:** Many supported the introduction of consistent speed zones (30, 20, and 5 knots), with a 35-knot exception for barefoot skiing. There was a desire for more precise, enforceable speed limits across the waterway.
- **NO WAKE Zones:** Strong support was expressed for NO WAKE – Maximum 5 knot zones, particularly in high-traffic areas and near sensitive riverbanks, to reduce erosion, improve safety, and enhance user enjoyment.
- **PWC (Jet Ski) Behaviour:** A significant number of submissions (29) raised concerns about unsafe and disruptive behaviour by PWC users. Jet skis are seen as the biggest problem for Lake Nagambie. Suggestions included banning PWCs, restricting them to designated areas, and increasing enforcement.
- **Congestion in Ski Zones:** Both individuals and clubs noted that current ski zones are overcrowded, especially during peak periods. There were calls to expand ski zones or open new areas to reduce congestion and improve safety.
- **Navigation and Signage:** Many users found existing Aids to Navigation (AtoNs) confusing or inadequate. There was strong support for improved signage, clearer directional markers, and better hazard identification.
- **Event Impacts:** Some users reported that major events negatively impacted their safety and enjoyment on the waterway. Others acknowledged the community and economic benefits of well-managed events.

- Environmental Concerns: Submissions highlighted the impact of wakes and vessel activity on riverbank erosion, water turbidity, and vegetation loss. Support for measures to protect the environment, including No Wake zones and restrictions on wake-enhancing craft, was present.
- Organisational Feedback: Agencies such as Maritime Safety Victoria and Victoria Police provided technical recommendations, including realigning zones, improving signage, and addressing safety risks at boat ramps. The Nagambie Rowing Club and Water-Skiing Club offered practical suggestions to improve access, reduce congestion, and balance recreational use.

In response to the feedback, SSC has proposed the implementation of three consistent speed zones across the waterway, with specific provisions for barefoot skiing. No Wake – Maximum 5 knot zones have been proposed in areas identified as high-risk or erosion-prone. Upgrades to signage and navigation aids are planned to improve clarity and compliance. Improved towed sports zones have been proposed to reduce congestion and enhance safety. Concerns about PWC behaviour are being addressed by introducing speed limits and prohibiting freestyling on the Lake. Feedback on event management, access, and enforcement has been considered in planning future waterway use and permit systems. These changes were incorporated into the final proposed waterway rules.

## 5.1 Compliance with MSA waterway rule-making process

The Strathbogie Shire Council (SSC) has complied with the Marine Safety Act 2010 (Vic) requirements, including undertaking public consultation. SSC has addressed the mandatory considerations and incorporated community and stakeholder feedback into the final proposal.

## 5.2 Mandatory considerations

### 5.2.1 Safety risk the proposed rule is intended to minimise or eliminate

SSC identified a range of safety risks on the Goulburn River and Lake Nagambie as outlined in section 4.1. ST Vic is of the view that the proposed rules represent a significant and positive step toward addressing the identified safety issues and associated risks. ST Vic supports most of the proposed changes and considers them a necessary way to improve navigational safety and protect users of the waterway. It is anticipated that the changes will enhance safety on the waterway by reducing risks and addressing key safety concerns, ensuring that boating and other water activities are as safe as reasonably possible.

Some of the proposed changes were not supported as outlined below. These are mostly minor amendments associated with boundary changes to the speed restriction zones, amending State rules wording and not making some of the proposed rule changes due to the complexity and level of management required to implement and maintain the rule, especially given that the waterway is now unmanaged.

1. **Define speed zones** – Most of the proposed boundary changes are supported; however, three of the proposed changes will be amended as follows:
  - Mitchelstown Winery Landing 5-knot zone – the proposed 50m downstream boundary seems too close, especially given it is currently 400m and the upstream boundary will change to 230m. A 100m boundary downstream is a safer option.
  - Extending 20-knot zone adjacent to Turner Island - agree to extending the 20-knot zone; however, a more suitable point for the downstream boundary was identified due to a hazardous tree stump protruding from the western corner. Instead, the 20-knot zone will end “240m upstream of Turner Island Lane boat ramp”, where the 5-knot zone will commence.
  - Define the Goulburn Weir channel for 30-knot speed as “following the river course in the weir” – the existing rule referencing “a channel delineated by combination 5 knot/port and starboard markers from the Goulburn River entrance to the Weir” will be removed as the channel has not been marked for some time and is too difficult to mark and maintain. The channel is difficult to identify for those not familiar with the waterway, so the rule will be amended to exclude the channel, and 5 knots will apply for all of Goulburn Weir.

- 2. Apply exemption to State rule 5 knots/50m from the water's edge to the entire Goulburn River** – This change is not supported. The exemption upstream of Kirwans Bridge and the State rule 3(a) downstream of Kirwans Bridge will remain as it is. This is due to growth, trees and stumps along the water's edge, which is different from the river section upstream of Kirwans Bridge, where the river course is clearly defined by trees/stumps visible along the edge. Also, the bathymetric survey was not available for ST Vic to examine. The change from an unrestricted speed to a 30-knot speed restriction will also support safety in the area.
- 4. Apply the current permission for vessels engaged water-skiing passing each other at 50m or less, to all areas designated as suitable for towed sports** – This exemption from the State rule 2(c) applies to the Exclusive use & Special Purpose Area as per rule 2(c)(b) and will be applied to the other area where waterskiing can occur i.e. the 30-knot zone. It will apply only when both vessels are engaged in water-skiing. Clause 2(c) still applies to vessels involved in water-skiing activities when within 50 metres of all other vessels. The intent of State rule 2(c) will not be changed, but will reflect the rule for Exclusive Use & Special purpose zone.
- Change the terminology from water-skiing to Towed Sports** – the terminology will not be changed. 'Water-skier' is defined in VOZR and 'Water-skiing' will be defined at the start of Schedule 91 to reflect the VOZR definition, i.e. "Water-skiing" means a person being towed by a vessel which has an engine that is used for propulsion whether or not the person is wearing water-skis or is being towed bare-footed; or is being towed on any thing; or a similar activity. This adequately covers towed sports.
- 5. Expand the existing exemption to enable vessels engaged in towed sports in designated towed-sports areas to pass other moving and stationary powered vessels at less than 50m distance on the Goulburn River and Lake Nagambie** - This exemption from State rule 2(c) is not supported. State rules apply at waterways across the State, and making such a change to this rule will create confusion. Results from the survey indicate that 97% of respondents understand this rule. The exemption will only apply as outlined above, when both vessels are engaged in water-skiing within the areas where water skiing can occur. Powered vessels must not exceed 5 knots within 50m of another vessel. This provides safety for other types of vessels using the waterway, e.g. paddle craft, engaged in fishing, etc.
- 6. Further define and formalise the anti-clockwise direction of travel on Lake Nagambie. Specifically, include seasonal rounding buoys to define courses, require slower vessels to use the outside course, prohibit 'freestyling' on PWCs on the course and other proposed operating rules for PWCs and vessels operating at less than 5-knots to attend a fallen skier** - Anti-clockwise direction of travel is already a State rule that applies to Lake Nagambie. Results from the survey indicate that 94% of respondents understand the direction of travel, and 66% believe it is clear and easy to follow. It is agreed that additional signage for direction of travel is required around the Lake. However, the additional rules proposed for (a) seasonal buoys and (b) directions for slower vessels are too confusing and too complicated and create management issues for an unmanaged waterway, as are proposed options (c)i-iv defining a course with operating rules. At a minimum, signs at the north, south, east & west of Deliah Island indicating direction of travel should be installed. The proposal to prohibit PWC 'freestyling' on the Lake is supported. "Freestyling" will be defined at the start of Schedule 91 and prohibited on Lake Nagambie. This, in addition to the new 20-knot speed restriction on the Lake, should help to reduce some of the safety issues outlined.
- 7. Modify State Rules 2 and 3 and apply to all existing 5 knot zones in the State Rules and Schedule 91, specifically, that when vessels are required to travel at 5 knots, they must be underway at a speed that generates No Wake** – applying a rule for 'No Wash' within all 5-knot speed restriction zones on Lake Nagambie and Goulburn River is supported. However, modifying State rules is not supported. As mentioned above, State rules apply at waterways across the State and making such a change to State rules will create confusion. The rule will reflect the definition in VOZR ('No wash zone' means an area of water specified in a Schedule through which a vessel must only pass at a speed which creates minimal wash or no wash).

### 5.2.2 Alternative ways to address risks and safety issues

SSC considered alternative measures, including education and awareness campaigns, improved signage and navigation aids, event permits and marshalling improvements. While these measures support safety, the proposed rules were identified as the most direct and effective way to address the safety risks. ST Vic agrees that the proposed rules are an appropriate response to address the safety issues identified, and complementary signage and marking, along with education and enforcement measures, can also address safety issues and improve waterway user behaviour.

After considering the alternatives to the proposed rule, ST Vic believes that, in this instance, the proposed waterway rules that have been supported are the most appropriate response to the issues and safety risks identified.

### 5.2.3 Benefits and costs

SSC has outlined that the proposed rules are expected to benefit waterway users by improving safety through consistent speed limits and reduced wake, enhancing separation between powered and non-powered craft, reducing congestion in ski zones, and protecting riverbanks and sensitive environmental areas. Costs identified by SSC were financial costs for the installation of signage and navigation aids, communication of rule changes, and ongoing monitoring and enforcement. As the waterway is now unmanaged, these costs will be borne by ST Vic, the State Government and other agencies involved in enforcement.

After considering the benefits and costs of the proposed rule, ST Vic is of the view that the safety benefits of the proposed rule outweigh the associated financial costs.

## 5.3 Summary of consultation submissions or comments

In reviewing the public consultation, SSC received 81 submissions. Feedback was summarised and addressed by SSC. In response, SSC has proposed consistent speed zones and no wake areas in response to safety and erosion concerns, refined towed sports zones to reduce congestion and improve safety, acknowledged concerns about PWC's behaviour and proposed speed limits to replace unrestricted speed areas. SSC also considered feedback on event management, access, and infrastructure for future planning, which is outside the scope of these rules. Feedback in relation to improving signage and navigation aids has been taken on board by ST Vic. ST Vic is satisfied that SSC has adequately addressed the issues raised in the submissions and incorporated them into the final proposed waterway rules.

In reviewing how SSC has taken into account the submissions received in relation to the proposed waterway rules, ST Vic is of the view that the response by SSC to amend the proposed rules is adequate and addresses the issues raised in the submissions. ST Vic has also considered the consultation submissions when amending some of the proposed rules.

## 6 ST Vic's Reasons/Decision<sup>3</sup>

In conclusion, I am satisfied that SSC, when waterway manager, has complied with the MSA, undertaken the required public consultation, and addressed the mandatory considerations (that is, the safety risk, alternative ways of addressing the risk, and the associated benefits and costs).

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<sup>3</sup> MSA section 188 (refer Appendix 1 - 4)

SSC, when waterway manager, identified a range of safety risks to waterway users, including unsafe vessel speeds, unpredictable PWC behaviour, congestion in ski zones, and the impact of vessel wakes on riverbank erosion and user safety and in response, in most cases proposed a balanced and practical approach to managing these risks by proposing changes to the waterway rules. In assessing these proposed changes, ST Vic has taken into account that SSC is no longer the waterway manager and made amendments where the proposal conflicts with State rules or is confusing and where implementing the proposed rule would require significant ongoing management (monitoring and maintenance).

I, Simon Farrar, Director Safety Operations (Delegate of ST Vic), hereby advise that, after having regard to:

- the powers to make waterway rules in the Marine Safety Act 2010 (Vic),
- the mandatory considerations and submissions received in relation to the proposed rules, and
- having taken into account the Objectives and Principles of the Transport Integration Act 2010 (Vic)

I have decided to make the waterway rules for the Goulburn River from Hughes Creek to Goulburn Weir, including Lake Nagambie. A draft of the waterway rules to be made is provided in Appendix 3.

The final rules will be published by notice in the Government Gazette and on ST Vic's website, in conjunction with the installation of appropriate navigational aids and signage and will come into effect on the date or dates specified in the notice.



**SIMON FARRAR**

Director of Safety Operations  
Delegate of Safe Transport Victoria  
Dated: 18/8/2025

# Appendix 1 - Marine Safety Act requirements for waterway rule making

The *Marine Safety Act 2010* (Vic) (**MSA**) details the process that must be followed when a port management body, local port manager or waterway manager requests that Safe Transport Victoria considers making waterway rules.

1. **Section 184** of the MSA details the powers of Safe Transport Victoria in relation to the making of a waterway rule, by notice published in the Government Gazette. Specifically, section 184(1A) provides that –
  - (1A) *Safe Transport Victoria may make a rule -*
    - (a) *at the request of a port management body, local port manager, waterway manager or police officer under section 194; or*
    - (b) *on Safe Transport Victoria's own initiative.*
2. **Section 193** of the MSA details the process and considerations for assessment of a Notice of Intention to Request a Waterway Rule.
  - (1) *Before making a request for the making of a rule under section 194, a port management body, local port manager or waterway manager must notify Safe Transport Victoria of the body's or manager's intention to make the request.*
  - (2) *A notification under subsection (1)—*
    - (a) *must be in writing; and*
    - (b) *must contain the following information—*
      - (i) *the name and address of the body or manager; and*
      - (ii) *a description of the rule that the body or manager proposes be made; and*
      - (iii) *a statement of the nature and scope of the matter that is proposed to be addressed and an explanation of how the proposed rule would address the matter; and*
    - (c) *may be accompanied by a draft of the proposed rule.*
  - (3) *On receiving a notification under subsection (1), Safe Transport Victoria must—*
    - (a) *consider whether the rule that is proposed to be requested—*
      - (i) *appears to be within the powers conferred on Safe Transport Victoria to make the rule; and*
      - (ii) *is of a material nature or a non-material nature; and*
    - (b) *within 2 weeks after receiving a notification under subsection (1)—*
      - (i) *advise, in writing, the port management body, local port manager or waterway manager of the matters under subsection (5), (6) or (7), as the case requires; and*
      - (ii) *publish notice of the advice in the Government Gazette.*
  - (4) *An advice under this section must set out the reasons of Safe Transport Victoria as to the matters under subsection (5), (6) or (7), as the case requires.*
  - (5) *If Safe Transport Victoria is of the view that the rule that is proposed to be requested appears to be within the powers conferred on Safe Transport Victoria to make the rule and is of a material nature, Safe Transport Victoria must advise the port management body, local port manager or waterway manager—*
    - (a) *of that view; and*
    - (b) *that it must comply with section 196 before making a request for the making of the rule under section 194.*
  - (6) *If Safe Transport Victoria is of the view that the rule that is proposed to be requested appears to be within the powers conferred on Safe Transport Victoria to make the rule and is of a non-*

*material nature, Safe Transport Victoria must advise the port management body, local port manager or waterway manager—*

- (a) *of that view; and*
- (b) *that it is not required to comply with section 196 before making a request for the making of the rule under section 194.*

(7) *If Safe Transport Victoria is of the view that the rule that is proposed to be requested does not appear to be within the powers conferred on Safe Transport Victoria to make the rule, Safe Transport Victoria must advise the port management body, local port manager or waterway manager of that view.*

3. **'non-material'** is defined in section 183 of the MSA and means:

*'non-material nature', in relation to a proposed rule, includes correction of a minor error in a rule;*

4. **Section 188** of the MSA requires Safe Transport Victoria to publish its decision whether to make or not make a rule:

- (1) *Safe Transport Victoria must publish its decision whether to make a rule under section 184 on Safe Transport Victoria's Internet site.*
- (2) *A decision that is published under subsection (1) must contain a statement of the reasons of Safe Transport Victoria for making or not making the rule, including—*
  - (a) *a description of the matter that was addressed by the request or proposal for the making of the rule; and*
  - (b) *Safe Transport Victoria's conclusions after having regard to the mandatory considerations.*
- (3) *In the case of a decision relating to a request for the making of a rule, Safe Transport Victoria must also publish the request as part of his or her decision.*

5. **Section 187** of the MSA outlines matters that must be considered in making a rule:

- (1) *In making a rule, Safe Transport Victoria must have regard to—*
  - (a) *the mandatory considerations; and*
  - (b) *if the rule is being made following a request from a port management body, local port manager or waterway manager, the summary of submissions or comments received by that body or manager under section 194; and*
  - (c) *if the rule is being made by Safe Transport Victoria on Safe Transport Victoria's own initiative or at the request of a police officer, any submissions or comments made to Safe Transport Victoria under section 195 by the date specified in a notice under section 195(3)(a).*
- (2) *This section does not apply in the case of the making of—*
  - (a) *an urgent safety rule; or*
  - (b) *a specified amendment rule; or*
  - (c) *a rule that is of a non-material nature.*

6. **'Mandatory considerations'** are defined in section 183 of the MSA. In relation to a proposed waterway rule, mandatory considerations mean:

- (a) *the safety risk, or the nature and level of a safety risk, that the proposed rule is intended to minimise or eliminate;*
- (b) *whether there are alternative ways (legislative or otherwise) to address the matter being or to be addressed by the proposed rule;*
- (c) *the expected benefits and costs of the proposed rule on those persons likely to be affected by the proposed rule, if made.*

7. **Section 194** of the MSA sets out the process by which requests for waterway rules can be made. Sub-section (3) provides:
- (3) *A request for the making of a rule—*
- (a) *must be in writing; and*
  - (b) *must contain the following information—*
    - (i) *the name and address of the body or manager making the request; and*
    - (ii) *a description of the rule that the body or manager proposes be made; and*
    - (iii) *a statement of the nature and scope of the matter that is proposed to be addressed and an explanation of how the proposed rule would address the matter; and*
    - (iv) *an explanation of how the proposed rule addresses the mandatory considerations; and*
    - (v) *in the case where a port management body, local port manager or waterway manager has been advised of the matters under section 193(5)—*
      - (A) *a list of submissions and comments received under section 196; and*
      - (B) *a summary of the matters raised in the submissions and comments received under section 196; and*
      - (C) *how the port management body, local port manager or waterway manager has taken into account the submissions and comments that address the mandatory considerations; and*
  - (c) *must be accompanied by a draft of the proposed rule.*

# Appendix 2 - Copy of the Request to Make a Waterway Rule

MARITIME  
SAFETY  
VICTORIAA branch  
of  
SAFETY  
Victoria  
**OFFICIAL: Sensitive**

WM 2

## Waterway Manager Request to Make a Waterway Rule

*Marine Safety Act 2010 (Vic) Sections 183, 184, 194 and 196*

### Things to know before requesting a rule

- Completing this form is the second step in proposing a waterway rule. Before starting this form, you must complete a *Notice of Intention to Request a Waterway Rule* form, available from the TSV website, and receive a letter from the Safety Director advising the next steps in making the rule.
- If you would like to discuss your request for a waterway rule before completing this form, please contact the Waterway Management Unit on 03 9655 3399.
- A waterway manager can only request rules in relation to the operation of vessels on waters, or use by persons of waters, under their control.
- Where the term 'waterway manager' appears in this form, it includes a port management body, a local port manager or waterway manager.
- There is no fee to lodge this request.
- If you need additional space to answer the questions in this form, attach a separate page referencing your answer to the question number.

### Public consultation

The *Marine Safety Act 2010 (Vic)* outlines the process of public consultation that must occur before submitting a request to make a waterway rule.

If you were directed by the Safety Director, you must have conducted a minimum of 4 weeks public consultation inviting submissions and comments from the public in relation to the proposed rule.

The waterway manager must:

- Initiate the consultation by (a) publishing a notice of the proposal to request the making of a rule in a newspaper circulating generally throughout the state and on the waterway manager's internet site; and (b) making copies of the proposal available at the waterway managers principle place of business or website; and
- Comply with the notice requirements; and
- Consider every submission or comment received during the consultation when preparing the request to make the waterway rule.

### ▲ Mandatory considerations

In this request all waterway managers must explain how the proposed rule meets the mandatory considerations of:

- the safety risk, or nature and level of a safety risk, that the proposed rule is intended to minimise or eliminate; and
- whether there are alternative ways (legislative or otherwise) to address the matter being or to be addressed by the proposed rule; and
- the expected benefits and costs of the proposed rule on those persons likely to be affected by the proposed rule, if made.

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**Waterway details**

1.	Name of waterway to which the proposed rule relates		
	The Goulburn River from Hughes Creek to Goulburn Weir including Lake Nagambie		
2.	Name of waterway manager (organisation/agency)		
	Strathbogie Shire		
3.	Address of waterway manager		
	(organisation/agency) Street number and name		
	109A Binney Street		
	Suburb	State	Postcode
	Euroa	Victoria	3666
4.	Postal address		
	<input type="checkbox"/> Same as address above		
	OR Street number and name		
	PO Box 177		
	Suburb	State	Postcode
	Euroa	Victoria	3666
	Name of contact person		Position title
	Jason McConkey		Manager Community Safety, Strathbogie Shire Council
	Business telephone number	Mobile number	Fax number
	P: 03 5795 0091	0427 080 991	03 5795 3550
	Email		
	Jason.McConkey@strathbogie.vic.gov.au		

**Proposed rule description and draft wording**

5.	Provide a description of the proposed rule here and attach as a separate document a draft of the proposed rule.
	<p>Please refer to <b><u>Attachment 1: Proposed Rule Changes</u></b></p> <p>The rules in <b>Section 1. Description of the proposed rules and rule development</b> are a result of a waterways <u><a href="#">review initiative</a></u> that commenced in 2012.</p> <p>Increasing numbers of people are using the Nagambie waterways, this is creating new challenges in managing safety for users, the demand for access to the water, sharing the use of waterways and responsibly planning for sustainable growth.</p>

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6. Has the proposed rule changed since lodging your initial intention to make this rule?  
 No → Go to question 8.  
 Yes → How has it changed from the initial intention and what is the reason for the change?

- How the Rules changed:  
**Attachment 1: Proposed Rule Changes, Section 1. Description of the proposed rules and rule development**
- Table shows initial intention as per the WM1. The adjacent column provides more detail, and changes- as required by the WM2
- NOTES 1 to 27 in the WM2 column provide reasons for change/development

**Rule Development Timeline**

Prior to the submission of the WM1 Strathbogie Shire undertook strategic and on ground work that informed the overall direction for improved rules. Regular reviews of this work informed changes from the initial intentions:

- Lake Nagambie and the Goulburn River Risk Review - detailed description of the physical waterway environment.
- Lake Nagambie and Goulburn River Issues Paper - explored the emerging boating issues

The Notice of Intention to Request a Waterway Rule was lodged late in 2021

- The consultation period was longer than anticipated lasting until a Waterway Advisory Committee held in April 2022 when an endorsement of the Proposed Rule Changes was agreed upon. Council had previously agreed to the Waterway Advisory Committee setting final directions for rule changes. The committee is appointed by Strathbogie Shire - inclusive of representatives of enthusiast user groups, local river frontage owners, commercial deliveries on the waterway, and relevant State Government authorities, including local Police.
- There have been four reasons the consultation period became extended.
  - Local council elections were held late in October 2020 and there was an accumulation of business for council endorsement well into 2021
  - COVID-19 restrictions were put in place, diverting council resources and making feed-back and direction setting with the Waterway Advisory Committee very difficult.
  - The gathering, review and incorporation of Bathymetric data for the whole waterway was undertaken in November 2021. Delivered by Total Hydrographic, funded by Better Boating Victoria.
  - There have been some on-going resourcing impacts of COVID-19 following the lifting of restrictions

A longer consultation period has meant a wider variety of boating seasons during the waterway review. New data has been made available and also more time for well considered debate in the community and within the Waterway Advisory Committee.

From the users perspective more people have been recreating and rediscovering boating close to home since COVID restrictions have been lifted. This increased, more diverse use has further informed an understanding of accumulating boating pressures on the waterway.

7. Provide a statement of the nature and scope of the matter that the proposed rule(s) intends to address

It has been over a decade since there was a review of the speed limits and zoning on Lake Nagambie and the Goulburn River. Nagambie has always been an attractive destination for recreational boating, more so in recent years as other regional water storages have closed due to factors such as floods, drought, and blue green algae.

Lake Nagambie and the Goulburn River holds a relatively constant water level, and this encourages the boating public to visit the region to get on the water at a venue where levels are guaranteed. The Nagambie and the region is experiencing a strong growth in new residential properties and regional tourism. New residents are keen to use the waterway. Regional visitors more frequently access the waterway with larger, more powerful vessels or take advantage of a variety of commercial water-based tours. The waterways have come under ever increasing pressure from the number of vessels both powered and non-powered sharing the waterways, causing serious safety concerns to be raised by the community and the visiting public.

The Nagambie Waterway Stakeholders Advisory Committee initiated a review delivered by the Shire and guided by the 2012 Nagambie Waterways Strategy. The strategy identified the need *'for a safe and vibrant waterway - there is a need for a comprehensive review of waterways rules to provide for appropriate zoning of uses and activity'*.

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The Lake Nagambie and the Goulburn River Risk Review were delivered in August 2020 and complimented by the [Bathymetric survey and sub-surface feature detection of Nagambie Waterways and Lake Nagambie](#) in September 2021. These investigations focused on the navigability of the river and the underwater features that could be hazardous. This [information informed The Goulburn River Issues Paper](#) which was initiated in August 2020 and identified key issues on the waterway.

These were

1. Providing clear, consistent, safe and intuitive speed zones.
2. The need to reduce unrestricted speed on Lake Nagambie and sections of the Goulburn River.
3. A lack of understanding and compliance with speed and distance rules.
4. Improving compliance with the direction of travel on Lake Nagambie.
5. Providing effective and functional [AtoNs](#) that shape safer behaviours.
6. Managing the impacts of large wakes on other waterway users.
7. Improving and diversifying additional towed-sports areas.
8. Integration of major events with other waterway users.
9. Managing riverbank erosion.

A more detailed description of the above [issues](#) is included in **Attachment 1: Proposed Rule Changes, Section 2. Waterway Issues.**

8. How would the proposed rule(s) [address](#) the matter in question 8-7?

The [proposed rules](#) have been reviewed by Strathbogie Shire Council and The Waterway Advisory Committee convened by Strathbogie Shire. Both Council and the Waterway Advisory Committee endorsed the proposed rules set out in the WM2 column of **Attachment 1: Proposed Rule Changes, Section 1. Description of the proposed rules and rule development.**

These local bodies see these proposed rules as an important step in:

- Improving safety on the waterway and reducing very high speeds on a confined waterway.
- Meeting the needs of a wide range of local and regional users that
  - undertake family power boating, towed sports and boat-based fishing
  - [use paddle craft](#) for fishing, training touring and play
  - train or compete in rowing craft.
- Providing contemporary, relatively easy to communicate and enforceable rules that reflect the attributes of the waterway and enable equitable use.

It is important to recognise that some strategies proposed in the WM1, [and explored](#) in the public consultation process, were considered not to be well supported enough, or appropriate for the waterway.

Some proposed rules were rejected because of the consultation process. These rules were explored to improve and diversify towed-sports areas.

Rules that did not proceed to the WM2 included-

- Changing the speed to 30 Knots and introducing towed sports upstream of Mitchelstown Bridge
- Introducing towed sports upstream of [Chinamans Bridge](#) in the 20 Knot Zone
- Trialling Wake Surfing areas upstream of Mitchelstown Bridge and in the Goulburn Weir.

There was [general consensus](#) that Wake Surfing was dangerous for other vessel users and inequitable in term of the impacts of very large waves on [the majority of users](#). A proposed rule to define and prohibit Wake Surfing has been included in the WM2.

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**Mandatory considerations**

9. Provide an explanation of how the proposed rule meets the (following) mandatory considerations.

What safety issues/risk or the nature and level of safety risk, does the proposed rule intend to minimise or eliminate?

Please refer to **Attachment 1: Proposed Rule Changes, Section 3. Mandatory Considerations (Question 9)**

**Column 1:**  
WM2 Proposed Rule

**Column 2:**  
What safety issues/risk or the nature and level of safety risk, does the proposed rule intend to minimise or eliminate?

What alternative ways (legislative or otherwise) have you considered or tried, to address the matter and safety risks the proposed rule intends to address? Why did/would these alternatives be unsuccessful?

Please refer to **Attachment 1: Proposed Rule Changes, Section 3. Mandatory Considerations (Question 9)**

**Column 3:**  
What alternative ways (legislative or otherwise) have you considered or tried, to address the matter and safety risks the proposed rule intends to address? Why did/would these alternatives be unsuccessful?

If the rule is made, what are the expected benefits and costs of the proposed rule on those persons likely to be affected? Provide a general summary of the benefits and costs or attach a separate benefit and cost analysis.

Please refer to **Attachment 1: Proposed Rule Changes, Section 3. Mandatory Considerations (Question 9)**

**Column 4:**  
If the rule is made, what are the expected benefits and costs of the proposed rule on those persons likely to be affected? Provide a general summary of the benefits and costs or attach a separate benefit and cost analysis.

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## Public Consultation Findings

10. In the letter from the Safety Director, were you directed to conduct public consultation in accordance with section 196 of the *Marine Safety Act 2010* (Vic) before submitting this request to make the rule under section 194?
- No → Go to the declaration and signature at 15.
- Yes → Go to question 42. 11.
11. Provide a list of the submissions received from the public consultation. In the first table, provide details of submissions received from organisations/affiliated bodies and their individual members. In the second table provide details of submissions received from general members of the public. Attach a separate list if space is insufficient. Attach a copy of the notice published in the newspaper and any other documentation made available to the public in relation to the proposed waterway rule.

**Background:**

A Communications and Consultation Plan V4\_31/8/21 was coordinated by the Waterway Manager - Strathbogie Shire Council. This [plan](#) detailed key steps in the consultation process including meeting the requirements of:

- Publishing a notice of the proposal on the waterway manager's internet site, and
- In some other way that gives notice of the proposal to persons who the body or manager reasonably believes will be affected by the proposed rule, if made, and
- Making copies of the proposal available at the body's or manager's offices or principal place of business during business hours free of charge.

The Comms Plan identified the following actions which were delivered by Strathbogie Communications staff.

- Provision of a [short Facts Sheet](#) and more comprehensive [Briefing Document](#) on the Share Strathbogie Consultation website. These documents were a description of the key issues and proposed new rules. There was the opportunity to update discussions/concepts during consultation in response to queries and comments. No additions were required.
- An on-line survey '[Safety Management Survey](#)' was placed on the Share Strathbogie website
- Stakeholder were provided with a letter with a short description of the issues and proposed new rules plus a link to the Share Strathbogie website. Recipients included:
  - [Relevant Government Agencies](#),
  - Peak Bodies such as VR Fish, Victorian Water Ski association etc.
  - Waterway Advisory Group,
  - Water way frontage residents and
  - [2020 On Water Boating Issues Survey](#) respondents who nominated to receive more information.

The above were asked to pass on the website details to other interested parties.

The Strathbogie Shire Information Centre on Lake Nagambie was able to print the Facts Sheet and survey on request.

**Attached:**

- Communications and Consultation Plan V4
- Facts Sheet
- Briefing Document
- Letter to stakeholders
- Safety Management Survey [Results FINAL RESULTS \(including last question- 'Other safety or environment comments'\)](#)

**Total number of submissions received**

Survey Responses: 74
Stakeholder Letter Responses: 7

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**Submissions from organisations/affiliated bodies and their members**

Name of organisation	Address	Name of person/s who made submissions
Maritime Safety Victoria	PO Box 2797 Melbourne	[REDACTED]
Victorian Fisheries Authority	255 Ferguson Road, Tatura VIC	[REDACTED]
Nagambie Rowing Club	301 - 305 High St, Nagambie, VIC	admin
Nagambie Water Skiing Club	PO Box 62 Nagambie Victoria 3608	[REDACTED]
Victorian Water Police Vic Pol	100 Nelson Place, Williamstown VIC 3016	[REDACTED] Water Police Squad
Goulburn Broken Regional Catchment	168 <u>Welsford</u> Street P.O. Box 1752 Shepparton VIC	[REDACTED] River and Wetland Health Program Manager
Boating Industry Association	24 York St, South Melbourne VIC	[REDACTED]

**Submissions from individual members of the public**

- 74 people completed the Safety Management Survey 67 left their name in full, in part, or chose otherwise
- Of the 74 respondents 54 chose to provide an email address.
- From the survey: How often do you go boating on Nagambie waterways?

Occasionally (1-5 days a year)	10 %
Regularly (6-15 days a year)	16 %
Often (15+ days a year)	68 %
I only use the waterway for swimming	1 %
I only use the waterway banks or immediate land areas and don't go boating	4 %

- From the Survey: Types of boating included: Wake boat, Ski boat, Personal Water Craft, Tinny, Pontoon Boat, Kayak, General Purpose -family boat, Rowing Skull, Fishing boat, Commercial
- From the Survey – 71 % of the respondent lived locally, 11% in nearby rural and country centres, 8% from northern, eastern, western and southern suburbs, 3% lived in Melbourne but had a Nagambie property.
- From the survey - Year-round use was the most popular 60% followed by Summer, Spring and Autumn.

Name of person	Address – see above
[REDACTED]	
[REDACTED]	
[REDACTED]	





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12. Provide a summary of the matters, issues, comments and suggestions received in the submissions. The summary must relate to submissions specific to the proposed rule and not any comments received about the waterway in general.

An example of the type of summary required is.....

- 12 of the 15 submissions received were generally supportive of the proposed waterway rule to establish a designated swimming area in the Lake by prohibiting boating in a specified area of the lake.
- The three submissions that were opposed to the proposed rule were from personal watercraft (PWC) owners/operators who each submitted that they liked to use the sandy beach (adjacent to the proposed swimming area / "no boating zone") as a base for the use of the PWC by family members and that any safety risks were already addressed by existing waterway rules that limit vessel speeds to 5 knots when within 50 metres of a swimmers or the shore.
- The submission from the Lake Ski Club was supportive of the proposal but noted that if the "no boating zone" extended any further than 200 metres into the lake it would restrict the ability of vessels to pass each other through the narrow section of lake immediately to the north of the north-east corner of the proposed zone.
- Three submissions were supportive of the proposed rule but its was argued in two responses that all PWCs should be prohibited on the lake and in one submission it was submitted that only sail vessels should be permitted on the lake.
- One submission was supportive of the proposed rule but suggested that the northern boundary of the no boating zone should be marked by more buoys, at 50 metre intervals, to make the zone boundary highly visible to both swimmers and boaters alike.

Please refer to [Attachment 2: Summary of the matters, issues, comments and suggestions](#)

**Table 1**

- **Column 1: Issue**
- **Part A, Column Two.** Presents the experience of waterway users in regard to the issues facing the waterway
- **Part A, Column Three.** Indicates which rules are proposed to improve safety in regard to this issue
- **Part B, Column Two.** Grouped and paraphrased response from the final survey question that asked if other safety or environmental issues need attention. Many recipients used the question to emphasise responses already made in the survey. Some new issues were raised.
- **Part B, Column Three.** Summarises the grouped and paraphrased comments from survey respondents.

**Table 2**

- **Column Two** Précised submissions from organisations/affiliated bodies and their members
- **Column Three.** How points raised inform or influence the proposed rules.

Also provided: [Safety Management Survey FINAL RESULTS .pdf](#)

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13. Explain how you have taken into account the submissions and comments received in addressing the mandatory considerations.

The mandatory considerations are addressed in **Attachment 1: Proposed Rule Changes, Section 3. Mandatory Considerations (Question 9)**

- Column 2: What safety issues/risk or the nature and level of safety risk, does the proposed rule intend to minimise or eliminate?
- Column 3: What alternative ways (legislative or otherwise) have you considered or tried, to address the matter and safety risks the proposed rule intends to address? Why did/would these alternatives be unsuccessful?
- Column 4: If the rule is made, what are the expected benefits and costs of the proposed rule on those persons likely to be affected? Provide a general summary of the benefits and costs or attach a separate benefit and cost analysis?

Taking into account submissions and comments

Supporting background information for the community was placed on the Strathbogie Shire Website in the form of maps, short Fact Sheets, and detailed Briefing Notes. An online survey was also provided, focused on identified waterway boating issues. Formal letters were provided to relevant organisations with links to the web information.

First hand conversations with key operational staff from Victorian Water Police, Marine Safety Victoria, Local Vic Pol representatives, further informed the process. Strathbogie Shire Councillors, staff from Event Management, Corporate Operations, Communications and Community Safety and Education and Compliance contractors made ongoing contributions.

Feedback was received and logged in the form of an on-line Safety Survey that accepted question responses and 'open commentary' on outstanding issues (via the survey format). Written responses were received from some stakeholders responding to formal letters sent to agencies and organisations. The feedback was evaluated in relation to nine waterway issues provided in **Attachment 1: Proposed Rule Changes Section 2 Waterway Issues**. The development of the proposed rules in **Attachment 1: Proposed Rule Changes** was tested against the survey feedback and organisation responses. The feedback also enabled examination of possible oversights, inequalities, impractical or unenforceable approaches.

The Waterway Advisory Board provided oversight and expertise from the community and partner agencies involved with the waterway. The Waterway Advisory Board was briefed and had input into the development rules set out in **Attachment 1: Proposed Rule Changes** at four milestone meetings during the 2020-22 period.

A wealth of local knowledge, practical boating expertise and an ongoing exposure to diverse waterway uses provided an informed commentary. The collective commentary reflects the increasingly diverse, often larger and more powerful, boating retail offer that is making its presence felt on the waterway. The public has more leisure time and new boating variants and supporting technologies are more accessible.

key discussions included that the Nagambie region has many new residents, and many will want to experience one of Victoria's premier waterways and that the water way is experiencing increasing vessel numbers.

The proposed rules are a significant step in improving boating practices and setting a more moderate pace on a confined waterway. This will deliver safer boating behaviours.

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### Declaration and signature

14. I declare that:

- I am authorised to make this request on behalf of the waterway manager.
- to the best of my knowledge the contents of this form and any attachments are true and correct.
- A public consultation process has been carried out in accordance with 196 of the *Marine Safety Act 2010* (Vic).
- I understand it is an offence under section 305 of the *Marine Safety Act 2010* (Vic) to provide any false or misleading information and that penalties apply.

I acknowledge that if lodging this request electronically, Transport Safety Victoria will accept this communication as containing my signature for the purposes of the *Electronic Transactions (Victoria) Act 2000* (Vic).

Signature of applicant (if lodging electronically, type name here)

Date

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### Attachments

Attach all separate documents where you have not provided the information in this form. This includes:

- the draft wording of the proposed [rule](#);
- the public consultation notices, documents and findings (a list of submissions and a summary of the matters raised);
- an explanation of how the proposed rule addresses the mandatory considerations.

Attachments provided:

Attachment	Purpose
Attachment 1: Proposed Rule Changes	Describes rule changes proposed
Attachment 2: <a href="#">Summary</a> of the matters, issues, comments and suggestions	Log of submissions, summary of the matters, issues, comments and suggestions
Fact Sheet-Nagambie Waterways	Short summary of waterway issues and process from Strathbogie Shire's <a href="http://www.share.strathbogie.vic.gov.au">www.share.strathbogie.vic.gov.au</a> dedicated online community engagement platform
Briefing Document -Nagambie Waterways	Detailed description of waterway issues and process from Strathbogie Shire's <a href="http://www.share.strathbogie.vic.gov.au">www.share.strathbogie.vic.gov.au</a> dedicated online community engagement platform
Comms Plan August 2021 V6	As utilised by Strathbogie Communications team to coordinate consultation with stakeholders, peak bodies and community
Safety Management Survey <a href="#">Results_FINAL RESULTS</a>	Results and information directly from the survey posted at the Share Strathbogie website
<a href="#">Stakeholder contact list 2020 V8</a>	Utilised in Comms Plan
Letter to <a href="#">Organisations_V3</a>	Utilised in Comms Plan

Your request for a waterway rule cannot be considered until you have provided all the necessary information.

### How to lodge

Send your completed form and any attachments by email or post:

[waterways@transportsafety.vic.gov.au](mailto:waterways@transportsafety.vic.gov.au)

PO box 2392 Melbourne VIC 3001

### What happens next?

- The Safety Director will assess the information you have provided in this request, in particular, the public consultation submissions and comments and mandatory considerations.

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- You may be required to provide further information including copies of the submissions received from the public during the consultation process and at a waterway site visit by Transport Safety Victoria.
- When the Safety Director has received all the necessary information, they will decide whether or not to make the rule.
- If the Safety Director decides to make the rule, the Safety Director:
  - will write to you advising you of the decision;
  - may require you to put in place waterway signage or infrastructure to support the rule;
  - will publish the request for the rule, the decision and reasons for the rule on the TSV website;
  - will publish a notice of the rule in the Government Gazette and on the TSV website.
- The rule commences on the day the notice is published in the Gazette or another day specified in the notice.
- If the Safety Director decides not to make the rule, the Safety Director will write to you specifying the reasons and will also publish the statement of reasons on the TSV website.

**Privacy Notice** Transport Safety Victoria (TSV) collects and holds the personal information provided in this request to assist the Director, Transport Safety (Safety Director) to administer the *Marine Safety Act 2010 (Vic)* and *Marine Safety Regulations 2012 (Vic)*. TSV is committed to protecting personal information in accordance with its obligations under the *Marine Safety Act 2010 (Vic)*. The personal information provided in this request may be disclosed to other government agencies in accordance with section 306 of the *Marine Safety Act 2010 (Vic)* and section 177 of the *Transport Integration Act 2010 (Vic)*.

It is an offence under the *Marine Safety Act 2010 (Vic)* to give information that is false or misleading in relation to a request to make a waterway rule. The individuals whose personal information is collected on this request have a right to seek access to this personal information and to seek correction of any error in the personal information held. All individuals whose personal information is included with this request should be informed of this fact.

For more information on privacy please refer to TSV's privacy statement at [transportsafety.vic.gov.au/privacy](https://transportsafety.vic.gov.au/privacy).

# Appendix 3 – Draft Waterway Rules

## DRAFT Schedule 91: The Goulburn River from Hughes Creek to Goulburn Weir, including Lake Nagambie

Waterway Manager: Unmanaged

### Definitions for the purposes of this Schedule:

- (a) “Backwaters” – are waters adjacent to the Goulburn River but not forming part of the main river course.
- (b) “Freestyling” - means performing unpredictable, high-energy manoeuvres that do not follow a consistent navigational path, including weaving or diverting course that another person would be unable to predict, manoeuvres such as sharp turns, circular or semi-circular operation and wake jumping.
- (c) “Goulburn River” – is all the water between the exposed banks of the main river course from Hughes Creek<sup>1</sup> to Goulburn Weir Wall<sup>2</sup>.
- (d) “Goulburn Weir” is all the waters of the Weir downstream from the Goulburn River entrance to the Weir adjacent to the location known as ‘Verges Jetty’<sup>3</sup> and extending north westerly to a point on the opposite bank<sup>4</sup>.
- (e) “Lake Nagambie” – is all the water south of a straight line between the ends of Loddings Lane and Racecourse Road as marked by two marks<sup>##</sup> at the lake entrance.
- (f) “as marked” – refers to signs and buoys or markers as defined in Table 1 of this Schedule.
- (g) “Rowing Course Area” – is the waters of Lake Nagambie bounded by McNamara Point<sup>6</sup> north easterly to a ‘5 knot’ buoy<sup>7</sup> approximately 100 metres southwest of Huttons Point<sup>8</sup>, then south easterly approximately 285 metres to a buoy<sup>9</sup>, then south approximately 150 metres to a buoy<sup>10</sup>, then south westerly approximately 250 metres to a sign<sup>11</sup> on the foreshore at Buckley Park.
- (h) “Water-skiing” means a person being towed by a vessel which has an engine that is used for propulsion, whether or not the person is wearing water-skis or is being towed bare-footed, or is being towed on any thing, or a similar activity.

### 91.7 Speed restriction zones for the purposes of Clause 7.

All the waters of this Schedule are subject to a speed restriction of 5 knots between one hour after sunset and one hour before sunrise, excluding zones where the operation of vessels is prohibited.

### 91.11 No wash zone for the purposes of Clause 11

The master of a vessel must ensure that the vessel is operated in a manner which creates minimal wash or no wash within the five (5) knot speed restriction zones on Goulburn River and Lake Nagambie.

### 91.12 Prohibition of Specific Activities for the purposes of Clause 12.

- (a) The operation of vessels involved in aerial related activities, including parasailing, hang-gliding, kite boarding, kite water-skiing or similar, including foiling craft is prohibited on the waters of this Schedule.
- (b) The operation of wake enhancing vessels is prohibited on the waters of this Schedule.

## Goulburn River

### 91.3 Excluded speed limit for the purposes of Clauses 2(c), 3(a) and 3(b)

- (a) The waters of Goulburn River downstream of Hughes Creek<sup>1</sup> to Kirwans Bridge<sup>12</sup> are excluded from clause 3(a) (5 knots within 50 metres of the water’s edge).
- (b) The waters of the special purpose water ski zone are excluded from clause 3(b) (5 knots within 50 metres of a fixed or floating structure).
- (c) The water of Goulburn River designated as a 30-knot speed restriction area are excluded from clause 2(c) (5 knots within 50 metres of another vessel) only when both vessels are engaged in water-skiing. Clause 2(c) still applies to vessels involved in water-skiing activities when within 50 metres of all other vessels.

### 91.7 Speed restriction zones for the purposes of Clause 7.

#### 91.7.1 Five (5) knot speed restriction zones

The following waters of Goulburn River are subject to a speed restriction of five (5) knots:

- (a) All the backwaters downstream of Hughes Creek<sup>1</sup> to Kirwans Bridge<sup>12</sup> as marked.
- (b) from Hughes Creek to 1250m downstream of Hughes Creek, as marked #.#.
- (c) at Mitchelstown Bridges, 50 meters upstream and downstream of the bridges, as marked.

- (d) at Mitchelton Winery<sup>15</sup> from 230 meters upstream to 100 meters downstream of the landing, as marked.
- (e) at Tahbilk Winery<sup>18</sup>, from 170 meters upstream to 220 meters downstream of the landing, as marked.
- (f) from 1180 metres downstream of Sandy Creek to 1680 metres downstream of Sandy Creek, as marked.
- (g) from 50 meters upstream of Vickers Road Bridge to 700 meters downstream of the entrance mark<sup>#</sup> to Lake Nagambie, as marked.
- (h) from 240 metres upstream of Turner Island Lane boat ramp<sup>#</sup> to 50 metres downstream of old Turners Bridge<sup>#</sup> pylons, as marked.
- (i) at Kirwans Bridge, 50 meters upstream and 50 meters downstream of the bridge, as marked.
- (j) The waters of the Goulburn Weir are subject to a speed restriction of 5 knots as marked, excluding the areas prohibited to vessels.

#### 91.7.2 Twenty (20) knot speed restriction zones

The following waters of the Goulburn River are subject to a speed restriction of twenty (20) knots:

- (a) from 1250 metres<sup>13</sup> downstream of Hughes Creek<sup>1</sup> to 50 meters upstream of Mitchelstown Road Bridge, as marked.
- (b) from 50 meters downstream of Mitchelstown Bridges to 230 meters upstream of Mitchelton Winery<sup>15</sup> landing.
- (c) from 100 metres downstream of Mitchelton Winery landing<sup>15</sup> to 170 metres upstream of Tahbilk Winery landing<sup>18</sup> as marked.
- (d) from 1680 metres downstream of Sandy Creek<sup>20</sup> to 50 metres upstream Vickers Road Bridge as marked.
- (e) from 700 meters downstream of the entrance mark<sup>#</sup> to Lake Nagambie to 240 metres upstream of Turner Island Lane boat ramp<sup>#</sup> as marked.
- (f) from 50 metres downstream of old Turners Bridge<sup>#</sup> pylons to Kirwans Bridge<sup>12</sup> as marked.

#### 91.7.3 Thirty (30) knot speed restriction zones

The following waters of the Goulburn River are subject to a speed restriction of thirty (30) knots:

- (a) from 220 meters downstream of Tahbilk Winery landing<sup>18</sup> to 1180 metres<sup>31</sup> downstream of Sandy Creek, as marked.
- (b) from 50 metres downstream of Kirwans Bridge to Goulburn Weir.

Excludes vessels towing a person bare-foot water-skiing provided they do not exceed 35 knots in speed.

#### 91.8 Areas where water-skiing is prohibited for the purposes of Clause 8.

All the waters of Goulburn River and backwaters downstream of Hughes Creek<sup>1</sup> to Kirwans Bridge<sup>12</sup> are prohibited to water-skiing, excluding the special purpose water-ski zone.

#### 91.9 Areas where vessels are prohibited for the purposes of Clause 9.

The following waters of the Goulburn Weir are prohibited to vessels:

- (a) From the Goulburn Weir Wall<sup>2</sup> extending 220 metres south as marked;
- (b) The Cattanach Canal Offtake<sup>28</sup> and extending 90 metres radius as marked;
- (c) The East Goulburn Channel Offtake<sup>29</sup> and extending 90 metres radius as marked.

#### 91.13 Exclusive use and special purpose areas for the purposes of Clause 13.

- (a) The waters of Goulburn River from 220 meters downstream of Tahbilk Winery landing<sup>18</sup> to 1180 metres<sup>31</sup> downstream of Sandy Creek as marked, are designated as a Special Purpose Area for the purposes of water-skiing and activities associated with water-skiing.

Vessels operating in the Special Purpose Area are subject to the following operating rules:

- (i) Vessels transiting the area not engaged in water-skiing must keep as close as practical to the eastern riverbank of the Goulburn River.
- (ii) Vessels must not exceed 5 knots within 50 metres of another vessel except when both vessels are engaged in water-skiing.
- (iii) Vessels towing a person bare-foot water-skiing must not exceed 35 knots.

### Lake Nagambie

#### 91A.3 Excluded speed limit for the purposes of Clauses 3(a) and 3(b)

- (a) The waters of Lake Nagambie are excluded from clause 3(a) (5 knots within 50 metres of the water's edge).
- (b) The waters of Lake Nagambie not designated as a 5 knot speed restriction zone, vessels prohibited area, an area where vessels with engines are prohibited and an exclusive use and special purpose area, are excluded from clause 3(b) (5 knots within 50 metres of a fixed or floating structure).

## 91A.7 Speed restriction zones for the purposes of Clause 7.

### 91A.7.1 Five (5) knot speed restriction zones

The following waters of Lake Nagambie are subject to a speed restriction of five (5) knots.

- (a) The waters inshore of an imaginary line commencing at a 5 knot sign<sup>11</sup> located on the foreshore at the western boundary of Buckley Park, then north westerly to a '5 knot' sign<sup>32</sup> on the shore approximately 200 metres west of River Street, excluding the waters defined as the "Rowing Course Area" and areas prohibited to vessels.
- (b) The waters west of an imaginary line commencing from a '5 knot' sign<sup>33</sup> adjacent to the north western extremity of McNamara Point at the boat ramp then north westerly approximately 80 metres to a '5 knot' buoy<sup>34</sup> and then following a line of '5 knot' buoys<sup>35,36,37,38</sup> to a '5 knot' buoy<sup>39</sup> 25 metres from the water's edge approximately 250 metres south of the Nagambie Lakes Leisure Park boat ramp<sup>40</sup> then north approximately 100 metres to a '5 knot' buoy<sup>41</sup> and then to a '5 knot' sign<sup>42</sup> on the shore approximately 110 metres south east of the Nagambie Lakes Leisure Park boat ramp<sup>40</sup>.
- (c) The waters within the cove at Lobbs Point<sup>43</sup> as marked.

### 91A.7.2 Twenty (20) knot speed restriction zones

The following waters of Lake Nagambie are subject to a speed restriction of twenty (20) knots.

- (a) All the waters of Lake Nagambie, excluding the 5-knot speed restriction zones, areas prohibited to vessels and the exclusive use and special purpose area.

## 91A.9 Areas where vessels are prohibited for the purposes of Clause 9.

The following waters of Lake Nagambie are prohibited to vessels:

- (a) The waters near River Street between two signs<sup>44,45</sup> on the shore 150 metres apart and extending 50 metres from the water's edge as marked.
- (b) The waters adjacent to Jacobsons Outlook<sup>46</sup> between two signs<sup>47,48</sup> on the foreshore 50 metres apart and extending 20 metres from the water's edge as marked<sup>49,50</sup>.

## 91A.10 Areas where vessels with engines are prohibited for the purposes of Clause 10.

The following waters of Lake Nagambie are prohibited to vessels with engines:

- (a) The waters 150 metres south of the Nagambie Lake Leisure Park boat ramp<sup>40</sup> between two signs<sup>51,52</sup> on the shore 100 metres apart and extending 25 metres from the water's edge as marked.

## 91A.12 Prohibition of Specific Activities for the purpose of Clause 12

- (a) All the waters of Lake Nagambie are prohibited to freestyling on a personal watercraft (PWC).
- (b) The following waters of Lake Nagambie are prohibited to bathers:
  - (i) the waters between Deliah Island and the Nagambie Lake Leisure Park shore, as marked.

## 91A.13 Exclusive use and special purpose areas for the purposes of Clause 13.

- (a) The waters of Lake Nagambie, defined as the "Rowing Course Area" are designated as an Exclusive Use and Special Purpose Area for the purposes of:
  - (i) unpowered vessels with a draught of less than one metre; and
  - (ii) vessels with a draught of less than one metre travelling at less than 5 knots directly accessing structures licensed by the Shire of Strathbogie or Goulburn Murray Water [TBC].
  - (iii) domestic commercial vessels, excluding "hire & drive vessels", when crossing the zone opposite Buckley Park.

## 91A.14 Direction of travel for the purpose of Clause 14

The master of a vessel with an engine used for propulsion on Lake Nagambie must ensure that the vessel is operated in an anticlockwise direction, except when the vessel is operating in a speed restriction zone or the exclusive use and special purpose area, or is being operated at a speed of less than five (5) knots.

**Lake Nagambie for water levels below 123.900 metres AHD as measured at the Goulburn Murray Water gauge located on the Goulburn Weir wall.**

## 91B.7 Five (5) knot speed restriction zones for the purposes of Clause 7.

All the waters of Lake Nagambie except for areas prohibited to vessels are subject to a speed restriction of 5 knots.

### 91B.9 Areas where vessels are prohibited for the purposes of Clause 9.

The following waters of Lake Nagambie are prohibited to vessels:

- (a) The waters near River Street between two signs<sup>44,45</sup> on the shore 150 metres apart and extending 50 metres from the water's edge as marked.
- (b) The waters adjacent to Jacobsons Outlook<sup>46</sup> between two signs<sup>47,48</sup> on the foreshore 50 metres apart and extending 20 metres from the water's edge as marked<sup>49,50</sup>.

### 91B.10 Areas where vessels with engines are prohibited for the purposes of Clause 10.

The following waters of Lake Nagambie are prohibited to vessels with engines:

- (a) The waters 150 metres south of the Nagambie Lake Leisure Park boat ramp<sup>40</sup> between two signs<sup>51,52</sup> on the shore 100 metres apart and extending 25 metres from the water's edge as marked.

### 91B.13 Exclusive use and special purpose areas for the purposes of Clause 13.

- (a) The waters of Lake Nagambie defined as the "Rowing Course Area" are designated as an Exclusive Use and Special Purpose Area for the purposes of:
  - (i) unpowered vessels with a draught of less than one metre; and
  - (ii) vessels with a draught of less than one metre travelling at less than 5 knots directly accessing structures licensed by the Shire of Strathbogie or Goulburn Murray Water [TBC].
  - (iii) domestic commercial vessels, excluding "hire & drive vessels", when crossing the zone opposite Buckley Park.

**Table 91: Location of navigation aids (GDA-94) – DMS**

This table shows the latitude and longitude location in degrees, minutes, and seconds (DMS) of navigational aids. Navigational aids may include buoys, signs, piles or beacons (fixed or non-fixed or on/off water), or points.

Ref No.	Description	Latitude	Longitude
1	Hughes Creek	36° 53' 19.68" S	145° 7' 22.44" E
2	Goulburn Weir Wall	36° 43' 1.56" S	145° 10' 11.64" E
3	Verge's Jetty	36° 44' 13.92" S	145° 10' 25.32" E
4	A point north-west of Verge's Jetty on the opposite bank	36° 44' 3.48" S	145° 10' 18.48" E
Etc...	TBC...		