



Redland
CITY COUNCIL

Redland City Council

**Subordinate Local Law No. 14
(Jetties, Ramps and Ferries) 2011**

REDLAND CITY COUNCIL
Subordinate Local Law No. 14 (Jetties, Ramps and Ferries)
2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 14 (Jetties, Ramps and Ferries) 2011*.

2 Object

- (1) The object of this subordinate local law is to supplement *Local Law No. 14 (Jetties, Ramps and Ferries) 2011* to establish a comprehensive legislative scheme.
- (2) The objects of the legislative scheme are to—
 - (a) regulate the use of jetties and ramps generally; and
 - (b) regulate how vehicles are used on jetties and ramps; and
 - (c) regulate how vessels are used at jetties and ramps; and
 - (d) regulate the conduct of persons on jetties and ramps; and
 - (e) require ferry services operated from jetties and ramps to be licensed.

3 Definitions

The dictionary in the schedule defines particular words used in this subordinate local law.

Part 2 Vehicles

4 Use of ramps by vehicles—Local Law, s 12(d)

- (1) A person must not bring onto, or drive or use a vehicle on a ramp unless the vehicle satisfies the criteria and complies with the conditions specified in this section.
- (2) The vehicle must not have steel tracks.
- (3) The vehicle must be registered.¹

Part 3 Vessels

5 Prohibited activities involving vessels—Local Law, s 15(1)

- (1) The local government declares each activity involving the use of a vessel at a jetty or ramp specified in this section to be a prohibited activity.
- (2) A person involved in the use of a vessel at a jetty or ramp must not—
 - (a) occupy the vessel or moor the vessel at a jetty or ramp for the purpose of habitation; or
 - (b) cast or discharge, or cause to be cast or discharged, from the vessel, any

¹ See definition of *registered* in the dictionary.

- (e) breaking, destroying, damaging, defacing or disfiguring—
 - (i) the jetty or ramp; or
 - (ii) any notice, sign or other fixture affixed, erected, exhibited or placed on the jetty or ramp;
 - (f) extinguishing, diminishing or increasing any light illuminating the jetty or ramp;
 - (g) detrimentally interfering with the safe use and operation of the jetty or ramp;
 - (h) obstructing an authorised person;
 - (i) placing, leaving or depositing any material, object or substance;
 - (j) possessing a loaded spear gun or fishing spear;
 - (k) lighting a fire;
 - (l) consuming alcohol or drugs;
 - (m) being in a state of intoxication or under the influence of alcohol or drugs;
 - (n) engaging in an activity which is, or would be likely to, injure, endanger, obstruct, inconvenience, annoy or offend any person;
 - (o) cleaning or gutting fish or other marine life;
 - (p) casting or discharging, or causing to be cast or discharged, any material, object or substance from the jetty or ramp;
 - (q) diving or jumping from the jetty or ramp;
 - (r) pushing or causing another person to be projected from the jetty or ramp.
- (3) If the jetty or ramp, or a part of the jetty or ramp is not a public transport waiting point, the activities declared to be a prohibited activity include each of the following activities—
- (a) fishing in a manner that obstructs or interferes with the use of the jetty or ramp by a vessel, vehicle or another person;
 - (b) using a cast net or other bait collecting device in a manner that obstructs or interferes with the use of the jetty or ramp by a vessel, vehicle or another person;
 - (c) using a crab pot or other device for catching a crustacean in a manner that obstructs or interferes with the use of the jetty or ramp by a vessel, vehicle or another person.
- (4) If the jetty or ramp, or a part of the jetty or ramp is a public transport waiting point, the activities declared to be a prohibited activity include each of the following activities—
- (a) fishing;
 - (b) using a cast net or other bait collecting device;
 - (c) using a crab pot or other device for catching a crustacean.

7 Prohibition of smoking—Local Law, s 21(2)

- (1) The local government prohibits smoking at each jetty and ramp and each part of a

jetty and ramp.

- (2) However, this section only applies to a public transport waiting point.

Part 5 Licensed activities on jetties and ramps

8 Activities licence required—Local Law, s 23(1)

- (1) This section specifies the activities declared to be a licensed activity—
 - (a) on a jetty or ramp; or
 - (b) on any vessel moored at a jetty or ramp.
- (2) The activities declared to be a licensed activity are each of the following activities—
 - (a) packing or unpacking any goods into or from any case or container on a jetty or ramp;
 - (b) erecting, installing or maintaining any sign board, notice board or other fixture or erection for the exhibition of bills or notices on a jetty or ramp;
 - (c) exhibiting, affixing or maintaining any bill or notice on a jetty or ramp;
 - (d) operating any system of public address or sound amplification on—
 - (i) a jetty or ramp; or
 - (ii) any vessel moored at a jetty or ramp;
 - (e) playing any music or musical instrument at a volume or in a manner which interferes with any other person's reasonable enjoyment or use of a jetty or ramp on—
 - (i) the jetty or ramp; or
 - (ii) any vessel moored at the jetty or ramp;
 - (f) carrying out maintenance or repairs to a vessel moored at a jetty or ramp, or on a jetty or ramp, except in an emergency situation—
 - (i) to permit the vessel to leave the jetty or ramp; or
 - (ii) where to move the vessel from its position would involve danger to the vessel or a person;
 - (g) mooring a vessel to a jetty or ramp for a period exceeding 20 minutes except in an emergency situation prescribed in paragraph (f) or as otherwise signed.

Part 6 Licences

Division 1 Obtaining and renewing licences

9 Application for a licence—Local Law, s 26(3)

- (1) This section specifies the other information or material that must be included in or accompany an application for a licence.
- (2) An application for a licence must include or be accompanied by—

- (a) details of the purpose and nature of the activity the subject of the application; and
- (b) details of the number of persons to be involved in the activity the subject of the application, including participants and employees; and
- (c) details of any structure or equipment that is to be used for the activity the subject of the application; and
- (d) specification of the points of entry and exit for the activity the subject of the application; and
- (e) a statement detailing the experience and qualifications of the applicant and the applicant's staff in conducting the activity the subject of the application; and
- (f) if the activity the subject of the application involves a vehicle—details of the vehicle, including the vehicle's—
 - (i) colour, make, body and type; and
 - (ii) owner's name, address and written consent to the vehicle's involvement; and
 - (iii) registration number (if applicable); and
 - (iv) maximum lawful seating capacity; and
 - (v) fuel type; and
 - (vi) weight, including the weight of any load to be carried on the vehicle; and
- (g) if the activity the subject of the application involves a vessel —details of the vessel to be used, including the vessel's—
 - (i) colour, make and type; and
 - (ii) owner's name, address and written consent to the vessel's involvement; and
 - (iii) registration number (if applicable); and
 - (iv) maximum lawful seating capacity; and
- (h) evidence of any necessary statutory permit, authorisation or approval issued for the activity the subject of the application, and if the activity the subject of the application—
 - (i) involves a vehicle—for the vehicle; and
 - (ii) involves a vessel—for the vessel; and

Examples of paragraph (h)—

1. a development permit under the *Integrated Planning Act 1997*.
 2. a driver's licence.
- (i) if the activity the subject of the application includes a vehicle or a vessel—evidence that use of the vehicle or vessel on or at the jetty or ramp is consistent with the design specifications of the jetty or ramp.
- (3) An application for an activities licence must, in connection with the licensed activity the subject of the application, include or be accompanied by details of any—

- (a) promotional or advertising material to be used; and
 - (b) amplification equipment to be used; and
 - (c) commodity, good or thing to be sold, offered or let for hire.
- (4) An application for an approved vehicle licence must include or be accompanied by information regarding the type of vehicle access requested.
- (5) An application for a ferry licence must include or be accompanied by—
- (a) a map detailing—
 - (i) the proposed route the ferry service will follow; and
 - (ii) the location of any proposed stopovers; and

Example of stopovers—
Where people alight or goods are unloaded from a vessel.
 - (b) details of the dates, days, times, duration and purpose of the proposed stopovers; and
 - (c) details of the fare structure for the ferry service.

10 Deciding application for a licence—Local Law, s 27(3)

- (1) This section specifies the other criteria the local government must have regard to when considering an application for a licence.
- (2) The local government must have regard to the following criteria when considering an application for a licence—
- (a) any current licences issued, or applications for licences made under this local law for the jetty or ramp, including the number of licences issued, their duration and nature; and
 - (b) whether there will be any adverse impact on the jetty or ramp; and
 - (c) whether there will be any adverse impact on the existing legitimate users of the jetty or ramp; and
 - (d) the purpose, nature and necessity of the activity the subject of the application; and
 - (e) the types of structure and equipment to be used for the activity the subject of the application; and
 - (f) the location of points of entry and exit; and
 - (g) the form, content and number of any proposed signage; and
 - (h) the experience and qualifications of the persons responsible for the activity the subject of the application; and
 - (i) the appropriateness of the number of persons to be involved in the activity the subject of the application; and
 - (j) the possibility of risk to the health and safety of users of the jetty or ramp; and
 - (k) whether the activity the subject of the application is likely to constitute a nuisance; and
 - (l) the proposed process for the collection and disposal of rubbish and refuse

- created by the activity the subject of the licence; and
- (m) whether there is any conflict with other uses, activities or access to be conducted on the jetty or ramp or the surrounding area; and
 - (n) the economic impact of the activity the subject of the licence on other uses or activities on the jetty or ramp or the surrounding area; and
 - (o) the ability of the jetty or ramp to accommodate the activity the subject of the application at the proposed time, taking into account such matters as the weather, condition of the jetty or ramp, facilities, services and structures on the jetty or ramp; and
 - (p) the adequacy of the amenities, facilities and services considered by the local government to be necessary for the conduct of the proposed use or activity; and
 - (q) the requirement for public liability insurance; and
 - (r) whether the applicant has obtained all the necessary statutory permits, authorisations or approvals for the activity the subject of the application, and if the activity the subject of the application—
 - (i) involves a vehicle—for the vehicle; and
 - (ii) involves a vessel—for the vessel; and
 - (s) the terms and conditions of any statutory permit, authorisation or approval issued for the activity the subject of the application, and if the activity the subject of the application—
 - (i) involves a vehicle—for the vehicle; and
 - (ii) involves a vessel—for the vessel; and
 - (t) evidence of compliance with any relevant environmental, health or safety Act, Regulations or standards; and
 - (u) if the activity the subject of the application involves a vehicle—
 - (i) the appropriateness of the type of vehicle to be used; and
 - (ii) whether the vehicle's weight, including any load to be carried on the vehicle, may impact on or damage the jetty or ramp; and
 - (v) if the activity the subject of the application involves a vessel—the appropriateness of the type of vessel to be used.
- (3) The local government must have regard to the following criteria when considering an application for a ferry licence—
- (a) whether the frequency of the ferry service is sufficient to meet the public's convenience, including the hours of operation and timetables; and
 - (b) the nature and extent of existing ferry services (if any) to or from the jetty or ramp; and
 - (c) the affordability of the fare structure for the ferry service; and
 - (d) the suitability, situation and convenience of the proposed ferry service, taking into account such matters as the type of vessel, the nature and purpose of the proposed ferry service, any proposed stopovers and the intended days and dates of operation.

11 Term of a licence—Local Law, s 28(3)(f)

- (1) This section specifies the other information or material that must be included in or accompany an application to renew a licence.
- (2) An application to renew a licence must include or be accompanied by—
 - (a) details of the purpose and nature of the activity the subject of the application; and
 - (b) details of the number of persons to be involved in the activity the subject of the application, including participants and employees; and
 - (c) details of any structure or equipment that is to be used for the activity the subject of the application; and
 - (d) specification of the points of entry and exit for the activity the subject of the application; and
 - (e) a statement detailing the experience and qualifications of the applicant and the applicant's staff in conducting the activity the subject of the application; and
 - (f) if the activity the subject of the application involves a vehicle—details of the vehicle, including the vehicle's—
 - (i) colour, make, body and type; and
 - (ii) owner's name, address and written consent to the vehicle's involvement; and
 - (iii) registration number (if applicable); and
 - (iv) maximum lawful seating capacity; and
 - (v) fuel type; and
 - (vi) weight, including the weight of any load to be carried on the vehicle; and
 - (g) if the activity the subject of the application involves a vessel —details of the vessel to be used, including the vessel's—
 - (i) colour, make and type; and
 - (ii) owner's name, address and written consent to the vessel's involvement; and
 - (iii) registration number (if applicable); and
 - (iv) maximum lawful seating capacity; and
 - (h) evidence of any necessary statutory permit, authorisation or approval issued for the activity the subject of the application, and if the activity the subject of the application—
 - (i) involves a vehicle—for the vehicle; and
 - (ii) involves a vessel—for the vessel;

Examples of paragraph (h)—

 1. a development permit under the *Integrated Planning Act 1997*.
 2. a driver's licence.
- (3) An application to renew an activities licence must, in connection with the licensed

activity the subject of the application, include or be accompanied by details of any—

- (a) promotional or advertising material to be used; and
 - (b) amplification equipment to be used; and
 - (c) commodity, good or thing to be sold, offered or let for hire.
- (4) An application to renew an approved vehicle licence must include or be accompanied by information regarding the type of vehicle access requested.
- (5) An application to renew a ferry licence must include or be accompanied by—
- (a) a map detailing—
 - (i) the proposed route the ferry service will follow; and
 - (ii) the location of any proposed stopovers; and
- Example of stopovers—*
- Where people alight or goods are unloaded from a vessel.
- (b) details of the dates, days, times, duration and purpose of the proposed stopovers; and
 - (c) details of the fare structure for the ferry service.

12 Refusal of application for a licence—Local Law, s 29

- (1) For section 29 of the local law, this section prescribes the reasons why, or circumstances in which, an application for a licence must or may be refused.
- (2) An application for a licence may be refused if—
 - (a) the applicant fails to include in the application the other information or material prescribed in section 9; or
 - (b) the application does not have regard to the criteria prescribed in section 10.

13 Conditions of licence—Local Law, s 30(2)(d)

- (1) This section prescribes the other subject matter for conditions of a licence.
- (2) The conditions of a licence may—
 - (a) require the licence holder to take specified measures to—
 - (i) protect the safety of persons who may be involved in, or affected by, the activity the subject of the licence; and
 - (ii) ensure that the activity, the subject of the licence, does not cause a nuisance; and
 - (b) impose obligations on the licence holder in relation to other users of the jetty or ramp; and
 - (c) require the licence holder to comply with all relevant government and industry standards; and
 - (d) require the licence holder to make periodic payments to the local government; and
 - (e) require the licence holder to make facilities installed under the licence available for use by the public at specified times or over specified periods;

and

- (f) require the provision and maintenance of furniture, fittings, equipment, chattels, services and facilities; and
 - (g) prescribe the location and method of entry and exit to the jetty or ramp; and
 - (h) require the licence holder to remove any rubbish created by the activity the subject of the licence and ensure that the jetty or ramp used is kept in the same condition as before the activity commenced; and
 - (i) require the licence holder to insure the local government and the licence holder against liability for injury, loss or damage arising on the jetty or ramp the subject of the licence; and
 - (j) require the licence holder to indemnify the local government against claims for personal injury and damage to property arising by, through, or in connection with the activity the subject of the licence; and
 - (k) prescribe the amount, size, content and type of signage that may be installed or erected; and
 - (l) require the licence holder to reinstate the jetty or ramp following the completion or ceasing of the activity the subject of the licence; and
 - (m) require the lodgement of a security bond by the licence holder; and
 - (n) restrict the number of persons involved in the activity the subject of the licence; and
 - (o) if the activity the subject of the licence involves a vehicle or a vessel—
 - (i) prescribe the type of vehicle or vessel that may be used; and
 - (ii) restrict the speed of the vehicle or vessel; and
 - (p) if the activity the subject of the licence involves the use of a vehicle on a jetty—require that the licence holder not stand the vehicle at the shore end of the jetty so as to obstruct or interfere with access to or egress from the jetty; and
 - (q) require that the licence holder use, for the conveyance of goods along the jetty, a trolley or other device provided for that purpose by the local government.
- (3) The conditions of an approved vehicle licence may require the approved vehicle licence to be affixed to a conspicuous part of the vehicle.

14 Conditions of a licence—Local Law, s 30(3)

- (1) This section prescribes the conditions that will ordinarily be imposed on a licence.
- (2) The conditions that will ordinarily be imposed on a licence are—
 - (a) conditions about the subject matter prescribed under section 13; and
 - (b) a condition requiring that a vessel be moored at a ramp or jetty for sufficient time to allow passengers to embark and disembark from the vessel but not otherwise; and
 - (c) a condition specifying each of the waiting period and the loading period applicable to the use of a jetty or ramp by a vessel; and
 - (d) a condition prohibiting the licence holder from touting for business at a jetty

- or ramp; and
- (e) a condition requiring that if the conduct of the activity the subject of the licence requires a separate approval or qualification under an Act, the licence holder or another person engaged in the conduct of the activity hold the necessary approval or qualification; and
 - (f) a condition requiring that all persons engaged in the conduct of the licensed activity have a thorough knowledge of the route and timetable for the service the subject of the licence; and
 - (g) a condition requiring that the licence holder maintain a specified level of services during the term of the licence; and
 - (h) a condition requiring that the licence holder not increase the level of fares charged to the public during the term of the licence; and
 - (i) a condition requiring that the licence holder not permit a vessel to moor at a jetty or ramp for a period of time that is unreasonable given the size of the vessel and the number of people embarking or disembarking from the vessel at the jetty or ramp; and
 - (j) a condition requiring that the licence holder not change the timetable of services provided at a jetty or ramp so as to interfere with the use of the jetty or ramp; and
 - (k) a condition requiring that the licence holder not prevent or hinder access to a jetty or ramp by the use of force, threats or abuse or by the dumping of material with the intention of, or which has the effect of, damaging a vessel in any way or preventing access by a vessel to the jetty or ramp or preventing access by passengers to a vessel using the jetty or ramp; and
 - (l) a condition requiring that the licence holder ensure that any vessel engaged in the carriage of passengers or goods is kept in a clean and tidy condition; and
 - (m) a condition requiring that the licence holder perform weekend or evening services to provide additional capacity to cater for increased patronage; and
 - (n) a condition requiring that the licence holder establish and maintain procedures for—
 - (i) the collection, storage and release of lost property; and
 - (ii) access to timetables and fare structures; and
 - (iii) the recording and resolution of complaints; and
 - (iv) recording and addressing public inquiries; and
 - (o) a condition requiring that the licence holder immediately notify the local government if any jetty or ramp is damaged or in need of repair in the interest of public safety; and
 - (p) a condition requiring that the licence holder be responsible, at all times, for opening and closing safety gates on any jetty or ramp used by the licence holder in the conduct of the licensed activity, including safety gates used for access and egress by pedestrian and vehicular traffic; and
 - (q) if 2 or more vessels are used by 1 or more licence holders in the operation of ferry services at a jetty or ramp—a condition about priority of use of the jetty or ramp by the vessels.

Schedule Dictionary

section 3

ferry service vessel see section 5(2)(i).

registered has the meaning given in the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

Certification

This and the preceding 11 pages bearing my initials is a certified copy of a consolidated version of *Redland City Council Subordinate Local Law No. 14 (Jetties, Ramps and Ferries) 2011* adopted in accordance with the provisions of the *Local Government Act 1993* by Redland City Council by resolution dated 30 November 2011.

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Chief Executive Officer

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Dated