



Redland
CITY COUNCIL

Redland City Council

**Subordinate Local Law No. 1.17
(Operation of a Ferry, Charter or Hire
Service from a Local Government
Controlled Boat Ramp or Landing)
2015**



Redland City Council

Subordinate Local Law No. 1.17 (Operation of a Ferry, Charter or Hire Service from a Local Government Controlled Boat Ramp or Landing) 2015

Contents

Part 1	Preliminary.....	2
	1 Short title.....	2
	2 Purpose and how it is to be achieved.....	2
	3 Authorising local law.....	2
	4 Definitions.....	2
Part 2	Approval for prescribed activity.....	2
	5 Matters regarding the prescribed activity—Authorising local law, ss 6(3), (4), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a).....	2
	6 Approvals that are non-transferable—Authorising local law, s 15(2).....	3
Schedule 1	Operation of a Ferry, Charter or Hire Service from a Local Government Controlled Boat Ramp or Landing.....	4
Schedule 2	Categories of approval that are non-transferable.....	8
Schedule 3	Dictionary.....	9

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.17 (Operation of a Ferry, Charter or Hire Service from a Local Government Controlled Boat Ramp or Landing) 2015*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2015* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for activities requiring an approval; and
 - (b) further specification of the definitions relevant to various activities requiring an approval.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2015* (the **authorising local law**).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 3 defines particular words used in this subordinate local law.

Part 2 Approval for prescribed activity

5 Matters regarding the prescribed activity—Authorising local law, ss 6(3), (4), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a)

- (1) Schedule 1—
 - (a) names 1 or more prescribed activities in section 1; and
 - (b) prescribes the matters specified in this section for each prescribed activity.
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in

section 2 of schedule 1.

- (3) For section 6(4) of the authorising local law, it is declared that the prescribed activity named in section 1 of schedule 1 is a category 2 activity.
- (4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.
- (5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.
- (6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.
- (7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.
- (8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.
- (9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.
- (10) For section 12 of the authorising local law, in Table 1 of schedule 1—
 - (a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
 - (b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and
 - (c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

6 Approvals that are non-transferable—Authorising local law, s 15(2)

For section 15(2) of the authorising local law, it is declared that the categories of approval listed in schedule 2 are non-transferable.

Schedule 1 Operation of a Ferry, Charter or Hire Service from a Local Government Controlled Boat Ramp or Landing

Section 5

1. Prescribed activity

The prescribed activity includes each of the following—

- (a) using a boat ramp or landing for the purposes of a ferry service, including operating a ferry service from a boat ramp or landing;
- (b) using a boat ramp or landing for the purposes of a ship charter service, including operating a ship charter service from a boat ramp or landing;
- (c) using a boat ramp or landing for a ship hire service, including operating a ship hire service from a boat ramp or landing .

See *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015*, schedule 2 item 6.

2. Activities that do not require an approval under the authorising local law

A person may undertake the prescribed activity without a current approval if the person is —

- (a) an employee, contractor or agent of the local government; and
- (b) undertaking the prescribed activity—
 - (i) for the purpose of carrying out work for or on behalf of the local government; and
 - (ii) in the course of carrying out his or her duties for or on behalf of the local government.

3. Documents and materials that must accompany an application for an approval

- (1) The documents and materials that must accompany an application for an approval for the prescribed activity are—
 - (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 motor vehicle—details of the motor vehicle, including the motor vehicle's—
 - (i) colour, make, body and type; and
 - (ii) owner's name and address and written consent to the motor 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 motor vehicle; and
 - (g) if the activity the subject of the application involves a ship —details of the ship to be used, including the ship's—
 - (i) colour, make and type; and
 - (ii) owner's name and address and written consent to the ship's involvement; and
 - (iii) registration number (if applicable); and
 - (iv) maximum lawful seating capacity; and
 - (h) if the activity the subject of the application includes a motor vehicle or a ship— evidence that use of the motor vehicle or ship on or at the boat ramp or landing is consistent with the design specifications of the boat ramp or landing.
 - (i) if the prescribed activity is a ferry service—
 - (i) a map detailing—
 - (A) the proposed route the ferry service will follow; and
 - (B) the location of any proposed stopover; and

Example of stopovers—

Where people alight or goods are unloaded from a ship.

- (ii) details of the dates, days, times, duration and purpose of each proposed stopover; and
- (iii) details of the fare structure for the ferry service.

4. Additional criteria for the granting of an approval

- (1) The undertaking of the prescribed activity at the boat ramp or landing must not—
 - (a) result in—
 - (i) harm to human health or safety; or
 - (ii) property damage or loss of amenity; or
 - (iii) nuisance; or

- (iv) obstruction of vehicular or pedestrian traffic; or
- (v) environmental harm; or
- (vi) environmental nuisance; or
- (b) adversely affect the amenity of the area in which the prescribed activity is to be undertaken.

5. Conditions that must be imposed on an approval

No conditions prescribed.

6. Conditions that will ordinarily be imposed on an approval

The conditions of an approval may—

- (a) require the approval 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 approval; and
 - (ii) ensure that the activity, the subject of the approval, does not cause a nuisance; and
- (b) impose obligations on the approval holder in relation to other users of the boat ramp or landing; and
- (c) require the approval holder to comply with all relevant government and industry standards; and
- (d) require the approval holder to make periodic payments to the local government; and
- (e) require the approval holder to make facilities installed under the approval 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 boat ramp or landing; and
- (h) require the approval holder to remove any rubbish created by the activity the subject of the approval and ensure that the boat ramp or landing used is kept in the same condition as before the activity commenced; and
- (i) require the approval holder to insure the local government and the approval holder against liability for injury, loss or damage arising on the boat ramp or landing the subject of the approval; and
- (j) require the approval 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 approval; and
- (k) prescribe the amount, size, content and type of signage that may be installed or erected; and
- (l) require the approval holder to reinstate the boat ramp or landing

following the completion or ceasing of the activity the subject of the approval; and

- (m) require the lodgement of a security bond by the approval holder; and
- (n) restrict the number of persons involved in the activity the subject of the approval; and
- (o) if the activity the subject of the approval involves a motor vehicle or a ship—
 - (i) prescribe the type of motor vehicle or ship that may be used; and
 - (ii) restrict the speed of the motor vehicle or ship; and
- (p) if the activity the subject of the approval involves the use of a motor vehicle on a boat ramp or landing—require that the approval holder not stand the motor vehicle at the shore end of the boat ramp or landing so as to obstruct or interfere with access to or egress from the boat ramp or landing; and
- (q) require that the approval holder use, for the conveyance of goods along the boat ramp or landing, a trolley or other device provided for that purpose by the local government.

7. Term of an approval

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval.

8. Term of renewal of an approval

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

Table 1 – Third party certification

Column 1 Application requirement	Column 2 Individuals or organisations that are third party certifiers	Column 3 Qualifications necessary to be a third party certifier
No application requirement stated		

Schedule 2 Categories of approval that are non-transferable

Section 6

Every approval for the prescribed activity named in schedule 1, section 1 is non-transferable.

Schedule 3 Dictionary

Section 4

boat ramp has the meaning given in *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015*

environmental harm has the meaning given in the *Environmental Protection Act 1994*.

environmental nuisance has the meaning given in the *Environmental Protection Act 1994*.

ferry service has the meaning given in *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015*.

landing has the meaning given in *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015*.

motor vehicle has the meaning given in *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015*.

ship has the meaning given in the *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015*.

Certification

This and the preceding 9 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.17 (Operation of a Ferry, Charter or Hire Service from a Local Government Controlled Boat Ramp or Landing) 2015* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the _____ day of _____, 2015.

.....
Chief Executive Officer