

Subordinate Local Law No. 7.1 (Jetties and Boat Ramps) 2008

Consolidated version

Reprint No. 1

This and the following 23 pages is a certified copy of the CONSOLIDATED VERSION of
Subordinate Local Law No. 7.1 (Jetties and Boat Ramps) 2008
made in accordance with the provisions of the *Local Government Act 2009*,
by the Council of the City of Gold Coast by resolution dated 11 October 2019

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Council of the City of Gold Coast Subordinate Local Law No. 7.1 (Jetties and Boat Ramps) 2008

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Council of the City of Gold Coast Subordinate Local Law No. 7.1 (Jetties and Boat Ramps) 2008

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 7.1 (Jetties and Boat Ramps) 2008*.

2 Authorising local law

This subordinate local law is made pursuant to *Local Law No. 7 (Council Property) 2008*.

3 Object

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

4 Definitions—the dictionary

The dictionary in Schedule 2 (Dictionary) of this subordinate local law defines particular words used in this subordinate local law.

Part 2 Use of jetties and boat ramps

5 Council property

For the purpose of the Schedule (Dictionary) of *Local Law No. 7 (Council Property) 2008*, a jetty and a boat ramp is council property pursuant to *Local Law No. 7 (Council Property) 2008*.

6 Use of jetties

Pursuant to section 9(1)(j) of *Local Law No. 7 (Council Property) 2008*, each of the owner and the operator of a vessel are jointly and severally liable to pay to a council officer, on demand, the prescribed fee for the use of a jetty each time the vessel is berthed at the jetty.

7 Comply with signs

- (1) Pursuant to section 9(1)(b) of *Local Law No. 7 (Council Property) 2008*, the local government may regulate, including by way of limitation, public ingress to, and egress from, a council property which is used, or intended to be used, for a public passenger service, for example, a ferry service operated from the council property.

- (2) Pursuant to section 9(1)(j) of *Local Law No. 7 (Council Property) 2008*, each of the owner and the operator of a vessel must comply with each requirement of a sign exhibited on or near a jetty or a boat ramp, including, but not limited to—
- (a) any time limit for the mooring of a vessel; and
 - (b) any restrictions on the mooring of a vessel; and
 - (c) any time limit for the launching of a vessel.

8 Regulation of council property

For the purposes of section 9(1)(k) of *Local Law No. 7 (Council Property) 2008* the local government may regulate a permitted business on a jetty or a boat ramp.

9 Prohibited conduct

For the purposes of section 10(f) of *Local Law No. 7 (Council Property) 2008* a person must not—

- (a) conduct an activity contrary to a sign on a jetty or a boat ramp unless it is permitted by an authorised person; or
- (b) enter onto a jetty or a boat ramp when it has been closed other than a person disembarking a vessel for the purpose of going ashore; or
- (c) cause annoyance or inconvenience to any other person on a jetty or a boat ramp; or
- (d) stand or loiter to the inconvenience, annoyance or obstruction of any person on a jetty or a boat ramp; or
- (e) destroy, damage, disfigure, or otherwise harm any jetty or any boat ramp or anything on or affixed to a jetty or a boat ramp; or
- (f) extinguish, diminish, increase or otherwise interfere with a light on any jetty or any boat ramp; or
- (g) obstruct access to any jetty or any boat ramp; or
- (h) place or cause or permit to be placed on a jetty or a boat ramp anything whatsoever so as to be an inconvenience, obstruction, danger or hazard to any person on the jetty or the boat ramp; or
- (i) cause any vehicle or horse to be driven, lead, stood, wheeled or parked on a jetty; or
- (j) use a jetty or a boat ramp other than for a purpose for which it was designed; or

- (k) use a jetty or a boat ramp contrary to a sign or a restriction identified in Schedule 1 (Restrictions on use of jetties and boat ramps) of this subordinate local law; or
- (l) obstruct the free access to a jetty or a boat ramp; or
- (m) discard any rubbish, litter or waste of any kind on a jetty or a boat ramp (other than in a waste container); or
- (n) interfere with a sign exhibited at or near a jetty or a boat ramp other than a council officer acting in the course of the council officer's employment; or
- (o) carry out maintenance or repairs to a vessel on a jetty or a boat ramp; or
- (p) carry out maintenance or repairs to a vessel in the water around a jetty or a boat ramp unless the person has a reasonable excuse; or
- (q) carry a loaded or cocked spear gun on a jetty or a boat ramp; or
- (r) light a fire on a jetty or a boat ramp whether in a container or otherwise; or
- (s) dive off a jetty or a boat ramp; or
- (t) cause themselves, or any other person or object, to fall, or be projected, into waters surrounding a jetty or a boat ramp; or
- (u) use a jetty or a boat ramp in a manner which is inconsistent with —
 - (i) the safe, secure and efficient operation of the jetty or the boat ramp; or
 - (ii) the protection of the environment at the jetty or the boat ramp; or
 - (iii) the maintenance or improvement of the convenience of users of the jetty or the boat ramp; or
- (v) clean or gut fish or other marine life on a jetty or a boat ramp; or
- (w) cast or discharge, or cause to be cast or discharged, any material, object or substance from a jetty or a boat ramp; or
- (x) occupy a vessel, or moor a vessel, at a jetty or a boat ramp for the purpose of habitation; or
- (y) while involved in the use of a vessel at a jetty or a boat ramp — cast or discharge, or cause to be cast or discharged, from the vessel, any material, object or substance into the waters surrounding the vessel; or
- (z) moor a vessel at a jetty or a boat ramp except to a bollard or other fastening appliance that is provided for that purpose at the jetty or the boat ramp; or

- (aa) permit a vessel to lie alongside a jetty or a boat ramp, unless it is properly moored; or
- (ab) place or moor a vessel in the approach fairway to a jetty or a boat ramp; or
- (ac) if a vessel is moored at a jetty or a boat ramp — allow the vessel to lie alongside, or remain attached to, the jetty or the boat ramp, except for the purpose of embarking or disembarking passengers or crew, or loading or unloading cargo, stores or goods from the jetty or the boat ramp; or
- (ad) operate a vessel in a manner that obstructs or interferes with the use of the jetty or the boat ramp by another vessel; or
- (ae) if a jetty or a boat ramp is used by a vessel (a *ferry service vessel*) for the purposes of a ferry service — moor or allow a vessel to lie alongside the jetty or the boat ramp in a manner that obstructs or interferes with the use of the jetty or the boat ramp by the ferry service vessel used in the operation of the ferry service.

10 Interference with a jetty or a boat ramp

For the purposes of section 9(1)(i) of *Local Law No. 7 (Council Property) 2008*, a person, other than a council officer acting in the council officer's employment, must not, unless authorised by the prior written approval of the local government—

- (a) interfere with—
 - (i) goods on a jetty or a boat ramp; or
 - (ii) any rock, soil, sand, stone, plant or similar substance on a jetty or a boat ramp; or
 - (iii) a council asset on a jetty or a boat ramp; or
 - (iv) any part of a jetty or a boat ramp; or
- (b) erect any building, structure, stall, booth, tent or bar on a jetty or a boat ramp.

Part 3 Permits

11 Permitted business

For the purpose of section 11 of *Local Law No. 7 (Council Property) 2008*, a permit may be sought for the undertaking of a permitted business on a jetty or a boat ramp.

12 Application for a permit

For the purposes of section 16(1)(c)(iv) of *Local Law No. 7 (Council Property) 2008*, an application for the undertaking of a permitted business must, to the extent applicable, unless otherwise specified by the local government, be accompanied by—

- (a) the name, address, telephone number, facsimile number and email address of the person to be undertaking the permitted business; and
- (b) the trading name, street address, telephone number, facsimile number, email address, registered business name and Australian Business Number of the business under which the permitted business is to be undertaken; and
- (c) a copy of the registration certificate of any vehicle and registration details of any vessel used in the permitted business; and
- (d) details of the permitted business including—
 - (i) the nature and type of the goods or services to be supplied; and
 - (ii) the time and places at which the goods or services will be supplied; and
 - (iii) the proposed use of a jetty or the boat ramp; and
 - (iv) the proposed hours of undertaking of the permitted business; and
 - (v) all public liability insurance policies relating to the permitted business; and
 - (vi) the proposed term of the permit; and
 - (vii) the impact, if any, on pedestrian or vehicular movements; and
 - (viii) the total seating capacity of the permitted business; and
 - (ix) the numbers and types of sanitary facilities and sanitary conveniences available to be used to service the permitted business; and
 - (x) the materials, equipment, vehicles and vessels to be used in the permitted business; and
- (e) a plan or scale map showing—
 - (i) the relevant part of the public place that is to be used for the permitted business including the dimensions of the public place that is to be used for the permitted business; and

- (ii) the physical proximity between the relevant part of the public place that is to be used for the permitted business and any existing premises used for the permitted business; and
 - (iii) the number and proposed location of any tables, chairs, shade structures, goods or other equipment to be used in respect of the permitted business; and
 - (iv) the type and location of any utility, service or infrastructure adjacent to the public place to be used for the permitted business; and
 - (v) any plants to be located in the public place used for the proposed permitted business; and
- (f) the name, address, telephone number, facsimile number or email address of the person in charge of the vessel to be used for the permitted business; and
- (g) any other information required by the local government.

13 Grant of a permit

- (1) For the purposes of section 17(1) of *Local Law No. 7 (Council Property) 2008*, the local government may grant a permit for the undertaking of a permitted business on a jetty or a boat ramp, if satisfied that—
- (a) the matters which are the subject of the conditions specified in section 15 (Conditions of a permit) of this subordinate local law which are relevant to the undertaking of the permitted business can be adequately addressed by the imposition of those conditions; and
 - (b) the applicant for a permit for the undertaking of a permitted business has complied with any applicable development approval; and
 - (c) if the jetty or the boat ramp is a public marine facility, the written consent of the chief executive of the department that administers the *Transport Infrastructure Act 1994* has been obtained for the use of the jetty or the boat ramp for a purpose other than a genuine private recreational boating purpose; and
 - (d) the grant of a permit will not increase the commercial use of the jetty or the boat ramp to greater than 50% of the total use capacity of the jetty or the boat ramp.
- (2) Subsection (1)(d) does not apply to the grant of a permit for the undertaking of a permitted business on a jetty or a boat ramp if the permitted business is the operation of a ferry service.

14 Term of a permit

For the purposes of section 18 (Term of a permit) of *Local Law No. 7 (Council Property) 2008*, the term of a permit for the undertaking of a permitted business is to be from the date of issue until the thirty first day of the following August, unless otherwise specified in the permit.

15 Conditions of a permit

For the purposes of section 19(3) of *Local Law No. 7 (Council Property) 2008*, the local government may impose all or any of the following conditions on a permit for the undertaking of a permitted business on a jetty or a boat ramp¹—

- (a) The undertaking of the permitted business must not detrimentally affect the amenity of neighbouring premises.
- (b) The hours of operation of the permitted business must not detrimentally affect the amenity of neighbouring premises.
- (c) The undertaking of the permitted business must, unless otherwise varied by an authorised person, be limited to operation between the hours of—
 - (i) 8.00 am to 8.00 pm Monday to Saturday; and
 - (ii) 9.00 am to 8.00 pm Sunday; and
 - (iii) 10.00 am to 6.00 pm public holidays.
- (d) The undertaking of the permitted business must not—
 - (i) create a traffic problem; or
 - (ii) increase an existing traffic problem; or
 - (iii) detrimentally affect the efficiency of the existing road network; or
 - (iv) obstruct pedestrian movement.
- (e) The undertaking of the permitted business must not constitute a risk to road safety or the safety of pedestrians.
- (f) The undertaking of the permitted business including any premises, building, structure, vehicle, facility or equipment must be maintained at all times—

¹ This section prescribes, for the purposes of section 19(3) of *Local Law No. 7 (Council Property) 2008*, the conditions that will ordinarily be imposed on a permit. However, the local government may, pursuant to section 19(1) of *Local Law No. 7 (Council Property) 2008*, grant a permit on any conditions the local government considers appropriate

- (i) in good working order; and
 - (ii) in a good state of repair; and
 - (iii) in a clean and sanitary condition.
- (g) A person must not camp in a place that is part of the undertaking of a permitted business if that place is not nominated for that purpose in the permit.
- (h) The undertaking of the permitted business must not cause an odour nuisance to neighbouring premises.
- (i) The undertaking of the permitted business must not constitute a nuisance under *Local Law No. 8 (Public Health, Safety and Amenity) 2008*.
- (j) Adequate car parking must be provided for all persons and the public involved in the undertaking of the permitted business.
- (k) The undertaking of the permitted business must not involve storage in the open of goods or materials associated with the undertaking of the permitted business.
- (l) Adequate means of entry and exit must exist for people and vehicles to safely enter and leave the permitted business.
- (m) The grounds of the premises on which the permitted business is being undertaken must be maintained in a safe and tidy condition at all times.
- (n) A vehicle used in the permitted business must—
- (i) be kept in accordance with the local government's planning scheme; and
 - (ii) not be repaired or maintained on any premises other than in accordance with the planning scheme; and
 - (iii) be stored in a manner that does not cause a nuisance to adjoining premises.
- (o) All accessways and other areas to which the public has access within the permitted business must be maintained in clean, safe, tidy and sanitary condition at all times.
- (p) No amplified noise must be generated as part of the undertaking of the permitted business.
- (q) A contaminant must not be released to the environment as part of the undertaking of the permitted business if the release may cause environmental harm unless such release is specifically authorised by the *Environmental Protection Act 1994*.

- (r) An air compressor used as part of the undertaking of the permitted business must be fitted with inlet and exhaust silencers and enclosed in an effective acoustic enclosure.
- (s) All objects, including vehicles and machinery, which are dismantled as part of the undertaking of the permitted business on the premises of the person undertaking the permitted business must be dismantled undercover on a paved impervious surface which is unaffected by stormwater runoff.
- (t) An extension telephone bell, open air address system or similar device must not be used as part of the undertaking of the permitted business.
- (u) Only rainwater from uncontaminated areas is to drain directly into the stormwater system.
- (v) Any spillage of a waste, a contaminant or another material must—
 - (i) be cleaned up immediately; and
 - (ii) not be cleaned up by hosing, sweeping or otherwise releasing such wastes, contaminants or material to any stormwater system or waters.
- (w) Lighting used to illuminate any areas of the permitted business must be angled or shaded in such a manner that the light does not cause a nuisance.
- (x) The undertaking of the permitted business must not attract breeding or infestation by rats, mice, mosquitoes, cockroaches or flies.
- (y) The undertaking of the permitted business must be kept free of pests and conditions offering harbourage of pests.
- (z) Overcrowding must not be permitted to occur as part of the undertaking of the permitted business.
- (aa) No animal is allowed within the area of the undertaking of the permitted business unless approved by an authorised person.
- (ab) Adequate space must be provided for all persons and the public involved in the undertaking of the permitted business.
- (ac) All public access areas that are part of the undertaking of the permitted business must be maintained at all times in a clean, tidy, sanitary and hygienic condition.
- (ad) The permitted business, including all fixtures, fittings, equipment and facilities, must be maintained in a clean, tidy, sanitary and hygienic condition.

- (ae) Water intended for use for domestic purposes as part of the undertaking of the permitted business must be from an approved water source.
- (af) The water to be used in the undertaking of the permitted business must be of an appropriate quality to be used for that purpose.
- (ag) The water supply for drinking purposes must be potable water.
- (ah) The holder of the permit must not change the water supply system without the prior notification of the local government and approval of an authorised person.
- (ai) Adequate storage must be provided for all hazardous materials stored or used as part of the undertaking of the permitted business.
- (aj) All hazardous materials must be stored and used in a safe manner as part of the undertaking of the permitted business.
- (ak) Waste containers sufficient to accommodate the collection and storage of all waste generated as part of the undertaking of the permitted business must be provided in the manner and locations specified by the local government.
- (al) Waste containers that are provided as part of the undertaking of the permitted business must at all times be regularly cleaned and maintained in a clean, tidy, sanitary and hygienic condition.
- (am) Waste containers that are provided as part of the undertaking of the permitted business must be designed and constructed to prevent access to pests and to be easily and effectively cleaned and disinfected.
- (an) All waste, including waste water, generated as a result of the undertaking of the permitted business must be disposed of in a safe and sanitary manner and in accordance with the *Environmental Protection Act 1994* and the *Plumbing and Drainage Act 2002*.
- (ao) All waste generated as a result of the undertaking of the permitted business must be disposed of in a manner which maintains the undertaking of the permitted business and its surrounds in a clean, tidy, sanitary and hygienic condition.
- (ap) All waste water generated during or from the undertaking of the permitted business must be discharged safely to the sewerage system or on-site sewerage facility.
- (aq) Human waste from the undertaking of the permitted business must be disposed of at a dedicated sanitary facility, sewerage system or an on-site sewerage facility.

- (ar) Access must be maintained to sanitary conveniences or sanitary facilities which are sufficient to service the permitted business during the hours of operation of the permitted business.
- (as) Trade waste from the undertaking of the permitted business must be disposed of in accordance with a permit under the *Water Supply (Safety and Reliability) Act 2008*.
- (at) Waste water from the permitted business must be collected and released to—
 - (i) a discharge point approved by the local government; or
 - (ii) land in such a way that it will not enter the stormwater system or waters.
- (au) Waste generated as part of the undertaking of the permitted business must be kept so as not to attract pests.
- (av) Waste from the undertaking of the permitted business must not be disposed of into the stormwater system, waters or a watercourse.
- (aw) The permit issued by the local government, the local government issuing the permit and the permitted business must be prominently and permanently displayed in letters and numbers not less than 100mm in height at locations specified by the local government to enable it to be viewed by members of the public, e.g. *GCCC – Permitted business [insert permit number]*.
- (ax) The trading name and telephone number of the holder of the permit must be prominently and permanently displayed in letters and numbers not less than 75mm in height at locations specified by the local government to enable it to be viewed by members of the public.
- (ay) Any premises, building, structure, vehicle, facility or equipment that is part of the undertaking of the permitted business the subject of the permit must not be changed in any respect without the prior notification of the local government and the approval of an authorised person.
- (az) The undertaking of the permitted business must be limited to the locations specified in the permit.
- (ba) The holder of the permit must not carry out building work in relation to the permitted business without the prior written approval of an authorised person.
- (bb) The undertaking of the permitted business must comply with the *Food Act 2006*.

- (bc) The undertaking of the permitted business must comply with the *Environmental Protection Act 1994*, *Environmental Protection (Water) Policy 2009*, and *Environmental Protection Regulation 2008*.
- (bd) The operation of any prescribed activity that requires a licence under *Local Law No. 16 (Licensing) 2008* as part of the undertaking of the permitted business the subject of this permit must be the subject of a separate licence under *Local Law No. 16 (Licensing) 2008*.
- (be) The undertaking of the permitted business must not breach a provision of a local law or a subordinate local law.
- (bf) The undertaking of the permitted business must comply with—
 - (i) any relevant development approval; and
 - (ii) the provisions of the local government’s planning scheme and any relevant planning scheme policy.
- (bg) The permit may be cancelled by notice in writing to the permit holder from the local government if the written consent of the chief executive of the department that administers the *Transport Infrastructure Act 1994* to the use of a public marine facility for a purpose other than a genuine recreational boating purpose is withdrawn.
- (bh) ~~(bi)~~ The person operating the permitted business must hold a public liability insurance policy for an amount specified by the local government in respect of the undertaking of the permitted business.
- (bi) The holder of the permit must pay a security or bond to the local government—
 - (i) by the earlier of—
 - (A) the date 14 days after the permit is granted; or
 - (B) the date of commencement of the undertaking of the permitted business; and
 - (ii) to secure compliance with the conditions of the permit and the provisions of the local law; and
 - (iii) to secure the recovery by the local government of any cost, expense, damage, loss or liability for which the local government will, or may, be or become liable, arising directly or indirectly from the undertaking of the permitted business.
- (bj) The local government may—
 - (i) require the holder of the permit to apply for a refund of a security or bond; and

- (ii) require an inspection of council property used in the undertaking of the permitted business prior to the refund of a security or bond; and
 - (iii) retain any part of a security or bond to secure compliance with the conditions of the permit and the provisions of the local law; and
 - (iv) if the holder of the permit is considered by the local government to have contravened a condition of the permit or a provision of the local law and the local government has retained all or part of a security or bond—require the holder of the permit to pay to the local government a substitute security or bond in an amount not less than the amount retained by the local government.
- (bk) The holder of the permit must only use the commercial vessel specified in the permit (the *approved vessel*) for the undertaking of the permitted business.
- (bl) The holder of the permit must carry the permit on the approved vessel at all times and produce the permit to an authorised person on request.
- (bm) The holder of the permit must deliver to an authorised person, on request, current photographs or images of the approved vessel (including any branding on the approved vessel).
- (bn) The holder of the permit must—
 - (i) keep and maintain a register detailing each complaint, incident, accident or injury associated with the undertaking of the permitted business; and
 - (ii) deliver to the local government, on request, a copy of the register.
- (bo) The holder of the permit, and all personnel of the holder involved in the undertaking of the permitted business—
 - (i) must comply with all signage erected by the local government at a jetty or a boat ramp; and
 - (ii) must comply with each direction of an authorised person in relation to the undertaking of the permitted business at a jetty or a boat ramp.
- (bp) The holder of the permit must not use, or schedule the use of, council property, including a jetty or a boat ramp, in terms of time, duration or frequency, in a manner that would restrict the use of the council property, or unduly interfere with or hinder private recreational access to the council property.

- (bq) In the undertaking of the permitted business at a jetty or a boat ramp, the holder of the permit must—
 - (i) fully cooperate with any other person, including the holder of a permit, undertaking a permitted business at the jetty or the boat ramp; and
 - (ii) fully cooperate with any other person using the jetty or the boat ramp for a genuine, private, recreational boating purpose.
- (br) In the undertaking of the permitted business, the holder of the permit must not—
 - (i) store any goods or materials on a jetty or a boat ramp; or
 - (ii) affix, paint, exhibit or operate any sign or advertisement on a jetty or a boat ramp except with the prior written consent on the local government.
- (bs) In the undertaking of the permitted business, the holder of the permit may only anchor, moor or place the approved vessel in the water around a jetty or a boat ramp for the maximum period specified for the jetty or the boat ramp in the permit.
- (bt) The holder of the permit must not undertake a scheduled ferry service at a jetty or a boat ramp.
- (bu) In undertaking the permitted business at a jetty or a boat ramp, the holder of the permit must not moor, berth or use the jetty or the boat ramp in a manner which compromises the safe ingress or egress of any vessel to or from the jetty or the boat ramp, or any neighbouring structure or facility.
- (bv) The holder of the permit must ensure that the approved vessel is equipped with lights capable of illuminating any jetty or boat ramp used by passengers of the approved vessel embarking or disembarking from the approved vessel.
- (bw) The holder of the permit must not use a jetty or a boat ramp for any of the following—
 - (i) the permanent mooring of the approved vessel; or
 - (ii) the refuelling or servicing of the approved vessel; or
 - (iii) the loading or unloading of bulk goods, supplies or cargo onto, or from, the approved vessel.
- (bx) If the undertaking of the permitted business by the holder of the permit includes the operation of an amphibious vehicle at a boat ramp, the holder must—

- (i) bring the amphibious vehicle to a complete stop at the head of the boat ramp prior to entering the waterway to ensure that the boat ramp is clear of pedestrian, vessel and vehicular traffic; and
 - (ii) ensure that the boat ramp is clear of pedestrian, vessel and vehicular traffic prior to exiting the waterway; and
 - (iii) keep wash created when the amphibious vehicle is exiting or entering the waterway to a minimum; and
 - (iv) not exceed a speed of 10km per hour when using the boat ramp; and
 - (v) not reverse the amphibious vehicle up or down the boat ramp, other than in an emergency situation, or as directed by an authorised person; and
 - (vi) ensure that the gross weight of the fully loaded amphibious vehicle on the boat ramp does not exceed 15 tonnes.
- (by) The holder of the permit must immediately notify the local government of any accident or incident occurring during the undertaking of the permitted business at any jetty or boat ramp.
- (bz) The undertaking of the permitted business must not adversely affect the stability or condition of the bed or banks of any tidal waterway or structure at, or in the vicinity of, any jetty or boat ramp used in the undertaking of the permitted business.
- (ca) If the permitted business undertaken by the holder of a permit is the operation of a public passenger service from a jetty or a boat ramp, the holder of the permit—
- (i) must not anchor, moor, or place an approved vessel in the water around, the jetty or the boat ramp except for the purpose of embarking or disembarking passengers or crew; and
 - (ii) must not anchor, moor, or place an approved vessel in the water around, the jetty or the boat ramp in a manner that obstructs or interferes with the use of the jetty or the boat ramp by another vessel which is being used in the operation of a public passenger service; and
 - (iii) if the jetty or the boat ramp is being used for the operation of 2 or more public passenger services—must not anchor, moor, or place an approved vessel in the water around, the jetty or the boat ramp for longer than the period specified in the permit, which may be determined by the local government having regard to—
 - (A) the objects of the local law; and
 - (B) ensuring that the undertaking of the permitted business on the jetty or the boat ramp does not unreasonably interfere

with the use by the public of the jetty or the boat ramp for the purposes of ingress to, and egress from, a public passenger service operated from the jetty or the boat ramp; and

- (iv) if the jetty or the boat ramp is being used for the operation of 2 or more public passenger services—must comply with requirements prescribed in the permit about the order of priority of use, including the order in which persons, each of whom is the holder of a permit, may anchor, moor or place an approved vessel in the water around, the jetty or the boat ramp, which may be determined by the local government having regard to—
 - (A) the objects of the local law; and
 - (B) ensuring that the undertaking of each permitted business on the jetty or the boat ramp does not unreasonably interfere with the use by the public of the jetty or the boat ramp for the purposes of ingress to, and egress from, a public passenger service operated from the jetty or the boat ramp.

Part 4 Enforcement

16 Records to be kept

For the purposes of section 25 (Records to be kept) of *Local Law No. 7 (Council Property) 2008*, the person undertaking the permitted business must, unless otherwise required by the local government, keep details of any public liability insurance policies relating to the undertaking of the permitted business on a jetty or a boat ramp.

Schedule 1 Restrictions on use of jetties and boat ramps

section 9(k)

Column 1 Location of jetty or boat ramp	Column 2 Restriction
Pontoon on 19 th Avenue, Elanora. Schuster Park Maintenance Ramp, Heather Street, Tallebudgera. Talle Greenspace Industrial Ramp, Tallebudgera Drive, Palm Beach. Tallebudgera Recreational Camp Paddlecraft Launching, Tallebudgera.	Launching of a personal watercraft prohibited.
Cheviot Close Industrial Access, Benowa. Tradewinds Avenue Maintenance Ramp, Paradise Point. Allambi Avenue Industrial Access, Florida Gardens. Cascade Gardens Industrial Access, Broadbeach. Evandale Industrial Access Point, Ouyan Street, Evandale. Industrial ramp on Isle of Capri Bridge, Remembrance Drive, Surfers Paradise. Talle Greenspace Industrial Ramp, Tallebudgera Drive, Palm Beach. Gravel ramp south of Limetree Maintenance Ramp, Oxley Drive, Biggera Waters. Maintenance ramp on Burleigh Street, opposite Sandpiper Drive, Burleigh Heads. Boat ramp on Silverbank Lake, Regensberg Close, Varsity Lakes. Maintenance access opposite Tarni Street, Coombabah. Michel Drive Maintenance Ramp, Currumbin Waters. Pizzey Park Access Road Maintenance Ramp, Mermaid Waters. Robina Lake Maintenance Access, Camberwell Circuit, Camberwell Park, Robina. Robina Lake Maintenance Access, Clipper Boulevard, off Markeri Street, Clear Island Waters. Robina Lake Maintenance Access, off Robina Parkway, Clear Island Waters. Robina Lake Maintenance Access, Ron Penhaligon, Robina Common, Robina. Robina Lake Maintenance Access, Warriewood Place, Kennedy Park, Robina. Robina Lake Maintenance Access, Beauty Point Drive,	Using for a recreational purpose prohibited.

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Council of the City of Gold Coast
Subordinate Local Law No. 7.1 (Jetties and Boat Ramps) 2008

Column 1 Location of jetty or boat ramp	Column 2 Restriction
Kuring Gai Park, Robina. Pine Lake, Murtha Drive Maintenance Access, Elanora. Currigee Boat Ramp, South Stradbroke Island. Schuster Park Maintenance Ramp, Heather Street, Tallebudgera.	
Jasmine Avenue, Hollywell. Holly Avenue, Hollywell. Naples Avenue, Isle of Capri. Birt Avenue, Budds Beach. Carrara Road, Carrara. Tallawood Road, Coomera. Howard Street, Runaway Bay. West Pacific Motorway, Oxenford. Harley Park Boat Ramp, Marine Parade, Labrador. 'Lands End' Boat Ramp, Ray Street, Runaway Bay.	Out of water running of a personal watercraft motor prohibited.

Schedule 2 Dictionary

section 4

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

berth means to moor, anchor or otherwise make fast a vessel.

boat ramp means a ramp or other device or structure , capable of use, designed or intended for use for the purpose of launching and retrieving trailerable vessels and includes—

- (a) any such ramp or other device or structure owned, occupied, managed or controlled by the local government; and
- (b) any such ramp or other device or structure at a location listed in Schedule 1; and
- (c) all structures on or supporting the ramp, device or other structure; and
- (d) any adjacent or adjoining car park.

car park means any premises used or intended for use for the parking of motor vehicles.

commercial ship means—

- (a) for a ship which is a domestic commercial vessel — the domestic commercial vessel; or
- (b) otherwise — an other Queensland regulated ship.

commercial vessel means a vessel used other than for a private recreation purpose and includes a commercial ship.

development approval has the meaning given in the *Planning Act 2016*.

domestic commercial vessel has the meaning given in the *Transport Operations (Marine Safety) Act 1994*.

Gold Coast Waters has the meaning given to the term ***Gold Coast waters*** in the *Gold Coast Waterways Authority Act 2012*, section 7.

hazardous chemical has the meaning given in the *Work Health and Safety Regulation 2011*.

hazardous material means a substance which—

- (a) because of its chemical, biochemical, microbiological or radiological properties, temperature or state of compression could in sufficient concentration cause—
 - (i) harm to human health and safety or personal injury; or

- (ii) property damage; or
 - (iii) environmental harm or environmental nuisance; and
- (b) includes—
- (i) a hazardous chemical; and
 - (ii) a dangerous good; and
 - (iii) a scheduled poison.

industrial use means the use of a jetty or boat ramp in the course of any trade or business for the purposes of—

- (a) launching a vessel with a crane; or
- (b) loading a building, structure, material or thing onto a vessel.

Examples of paragraph (b)—

Loading a house onto a vessel or loading building materials onto a vessel.

jetty means a wharf, pier, pontoon, or landing place of a like nature and includes:

- (a) any such wharf, pier, pontoon or landing place owned, occupied, managed or controlled by the local government; and
- (b) any such wharf, pier, pontoon or landing place at a location listed in Schedule 1; and
- (c) all structures on or supporting the wharf, pier, pontoon or landing place; and
- (d) any adjacent or adjoining car park.

motor vehicle has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

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

operator, of a vessel, means the person responsible for the operation of the vessel.

other Queensland regulated ship has the meaning given in the *Transport Operations (Marine Safety) Act 1994*, section 10C.

owner—

- (a) of a vessel—
 - (i) means the person who owns the vessel, whether or not—

- (A) the person is registered as the vessel's owner under the *Transport Operations (Marine Safety) Act 1994* or a law of another jurisdiction; or
 - (B) for a vessel that is a domestic commercial vessel-the person holds a certificate of operation for the vessel under the national law; and
- (ii) includes a person who—
- (A) exercises, or purports to exercise, powers of the owner; and
 - (B) operates the vessel or causes or allows it to be operated by someone else; and
- (b) an owner of a vessel **operates** the vessel if the owner operates the vessel or causes or allows it to be operated by someone else.

permitted business means a business, including any related or ancillary activity, being—

- (a) the undertaking of a commercial vessel; or
- (b) an industrial use; or
- (c) an organised sporting event.

Examples of paragraph (a)—

A fishing charter service; a ferry, cruiseboat or aquaduck service, or a tourist service such as hiring a vessel, a personal watercraft or parasailing equipment.

Examples of a related or ancillary activity—

A kiosk for ticket sales or a storage shed for use in the undertaking of the permitted business.

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

planning scheme has the meaning given in the *Planning Act 2016*.

planning scheme policy has the meaning given in the *Planning Act 2016*.

public marine facility has the meaning given in the *Transport Infrastructure Act 1994*.

public place means

- (a) a road; or
- (b) trust land; or
- (c) a park or reserve as defined in *Local Law No. 9 (Parks and Reserves) 2008*; or

- (d) a bathing reserve as defined in *Local Law No. 10 (Bathing Reserves) 2004*; or
- (e) premises of which the local government is the owner or occupier; or
- (f) premises which are managed or controlled by the local government; or
- (g) a public marine facility managed by the local government under the *Transport Infrastructure (Public Marine Facilities) Regulation 2011*.

recreational purpose means an activity the predominant purpose of which is to provide for recreation.

trailerable vessel means any vessel capable of being transported overland by trailer and launched or recovered on or by the use of a ramp or sloping surface leading into a waterway.

vessel means a ship as defined in the *Transport Operations (Marine Safety) Act 1994* which operates in the Gold Coast Waters, and includes an amphibious vehicle and a personal watercraft.