

## **Schedule 8 Commercial use of local government controlled areas – (b) landing and mooring approvals**

Section 11

### **1 Prescribed activity**

Commercial use of local government controlled areas – (b) landing and mooring approvals.

### **2 Activities that do not require approval under the authorising local law**

- (a) Recreational use of local government controlled landings, jetties and ramps.
- (b) Use of local government controlled landings, jetties and ramps by the holder of a current traditional inhabitant fishing boat licence under the *Torres Strait Fisheries Act 1984*.

### **3 Documents and materials that must accompany applications for approval**

(1) An application for approval must be accompanied by –

- (a) payment of the prescribed fee; and
- (b) a copy of the Registration Certificate of any vehicle and registration details of any vessel used in the approved business within the local government area; and
- (c) evidence of current Marine Board Survey Certificates; and
- (d) evidence of a compliance with the standard public liability insurance condition; and
- (e) photographs of the vessels listed on the application; and
- (f) a business plan (for timetabled and charter services).

(1) The applicant must, if the local government so requires, furnish any further information or documents that the local government may require to decide the application.

### **4 Additional criteria for the granting of approval**

(1) The following criteria are matters about which the local government must be satisfied before granting an approval –

- (a) Proposed landing times and frequency; and
- (b) Proposed location of mooring; and
- (c) Possible environmental or amenity impacts; and
- (d) Suitability of the nominated ramp or jetty; and
- (e) Gross tonnage; and
- (f) Length and beam of vessel/s; and
- (g) Minimum and maximum draft of vessel/s; and
- (h) Passenger seating capacity; and
- (i) Cargo capacity or vehicle cargo capacity; and
- (j) Navigational limits; and
- (k) Fuel type used (LP, gas, petrol, diesel or other); and
- (l) Refuelling and fuel storage locations; and
- (m) Fuel storage license details.

## 5 Conditions that must be imposed on approvals

(1) Conditions that must be imposed on an approval are –

- (a) the landing approval must be displayed in a prominent place and available at all times for inspection by an authorised person; and
- (b) the commercial use of local government controlled jetties, boat ramps and landing places is approved only for the landing places, services and times specified in the approval; and
- (c) the operator must pay all prescribed fees stipulated in the approval; and
- (d) compliance with the standard public liability insurance condition; and
- (e) if the approval holder or the holder's employee or agent damages the landing, jetty or boat ramp, or any public infrastructure associated with these structures, it must: -
  - (i) take immediate steps to make the area safe and maintain the area in a safe condition until all necessary repairs are effected;
  - (ii) report damage to the local government; and
  - (iii) provide payment to the local government to have all damage rectified or with the local government's prior approval, carry out repairs at its own expense to the satisfaction of the local government; and
- (f) the approval holder must not adversely obstruct the movement of vehicles, vessels and pedestrians; and
- (g) operators must not engage in conduct which for the purpose of, or which has the effect of, preventing or hindering any user of marine facilities, including but not limited to –
  - (i) occupying a landing 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; and
  - (ii) otherwise preventing or hindering access to the facility by vessels, vehicles, persons or animals; and
- (h) the approval holder must ensure that the activity (including any disposal of waste water as part of the activity) does not cause danger or nuisance to neighbouring residents or users of the landing, jetty or boat ramp; and

- (i) the undertaking of the approved business must not cause an odour, noise or smoke nuisance which causes unreasonable adverse effect on the amenity of the surrounding area; and
- (j) a contaminant must not be released to the environment as part of the undertaking of the approved business if the release may cause an environmental harm unless such release is specifically authorised by the *Environmental Protection Act 1994* (Qld); and
- (k) adequate storage must be provided for all hazardous materials stored or used as part of the undertaking of the approved business; and
- (l) all hazardous materials must be stored and used in a safe manner as part of the undertaking of the business; and
- (m) all waste, including waste water, generated as a result of the undertaking of the approved business must be disposed of in accordance with the *Environmental Protection Act 1994* (Qld) and the *Plumbing and Drainage Act 2002* (Qld); and
- (n) all waste generated as a result of the undertaking of the approved business must be disposed of in a manner which maintains the undertaking of the approved business and its surrounds in clean, tidy, sanitary, and hygienic conditions; and
- (o) all waste water generated during or from the undertaking of the approved business must be discharged safely to the sewage system or on-site sewage facility; and
- (p) human waste from the undertaking of the approved business must be disposed of at a dedicated sanitary facility, sewage system or on-site sewage facility; and
- (q) trade waste from the undertaking of the approved business must be disposed of in accordance with an approval under the *Water Act 2000* (Qld); and
- (r) waste water from the approved business must be collected and released to –
  - (i) a discharge point approved by the local government; or
  - (ii) in such a way that it will not enter the storm water system or waterways; and
- (s) waste generated as part of the undertaking of the business must not be disposed of so as not to attract pests; and
- (t) all access ways and other areas to which the public has access within the approved business must be maintained in a clean, safe, tidy and sanitary condition at all times; and
- (u) the approval holder must not interfere with the existing public infrastructure located in, on, over or surrounding a landing, jetty, or boat ramp; and
- (v) operators must not tout for business.

## 6 Conditions that will ordinarily be imposed on approvals

- (1) Conditions that will ordinarily be imposed on an approval are –
  - (a) a twenty minute waiting and loading period is applicable to all local government controlled landing places unless stipulated differently in the approval; and
  - (b) operators are required to ensure that all masters and crew persons employed to

operate vessels on the service shall hold a commercial license issued by or accepted by Maritime Safety Queensland in accordance with the requirements of the *Transport Operations (Maritime Safety) Regulation 1995* (Qld); and

- (c) all crew employed to operate the service must have a thorough knowledge of the route and time tables for the service; and
- (d) all masters of the vessel/s must comply with the requirements of the *Transport Operations (Maritime Safety) Act 1994* (Qld) and subordinate legislation at times.

## **7 Term of approval**

The term of the approval shall be the term stated in the approval.

## **8 Term of renewal of approval**

The term of the renewal of the approval shall be the term stated in the renewal.