



Subordinate Local Law No. 5.1

(Parks, Jetties and Boat Ramps) 2011

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This law is a reprint copy that shows the law as made and amended by all amendments that commenced on or before the date of the reprint.

C.C. Rose
Chief Executive Officer



Subordinate Local Law No. 5.1 (Parks, Jetties and Boat Ramps) 2011

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Logan City Council

Subordinate Local Law No. 5.1

(Parks, Jetties and Boat Ramps) 2011

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 5.1 (Parks, Jetties and Boat Ramps) 2011*.

2 Authorising Local Law

This subordinate local law is made pursuant to *Local Law No. 5 (Parks, Jetties and Boat Ramps) 2011*.

3 Object

The object of this subordinate local law is to assist in the implementation of *Local Law No. 5 (Parks, Jetties and Boat Ramps) 2011* by—

- (a) extending the provisions of Part 3 (Regulation of parks) of *Local Law No. 5 (Parks, Jetties and Boat Ramps) 2011* to public places (other than parks); and
- (b) specifying requirements for the purpose of ensuring the protection of parks, jetties and boat ramps and other public places.

4 Definitions—the dictionary

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

Part 2 Permitted conduct

5 Access by public

For the purposes of section 6(1)(a) (Access by public) of *Local Law No. 5 (Parks, Jetties and Boat Ramps) 2011*, all parks are to be open to the public for 24 hours every day unless otherwise indicated by a sign exhibited in the park.

6 Designated vehicle

For the purposes of section 7(1)(b) (Access by vehicles) of *Local Law No. 5 (Parks, Jetties and Boat Ramps) 2011*, a vehicle is a designated vehicle if it is—

- (a) a vehicle driven by an authorised person for the purpose of maintenance or enforcement; or

- (b) an emergency vehicle.

7 Designated vehicle area

- (1) For the purposes of section 7(1)(a) (Access by vehicles) of *Local Law No. 5 (Parks, Jetties and Boat Ramps) 2011*, a made access road or car park within a park is a designated vehicle area if it is a made access road or car park accessible from a public street or road.
- (2) Notwithstanding subsection (1), a made access road or car park within a park is not a designated vehicle area if a locked gate or other structure impeding access by vehicles is placed across the made access road or the entrance to the car park.

8 Restricted vehicles

For the purposes of section 7(1)(c) (Access by vehicles) of *Local Law No. 5 (Parks, Jetties and Boat Ramps) 2011*, a restricted vehicle is any vehicle that is not registered.

9 Access by animals

For the purposes of the Schedule (Dictionary) and section 8(1)(b) (Access by animals) of *Local Law No. 5 (Parks, Jetties and Boat Ramps) 2011*, a dog is a designated animal if—

- (a) the dog is under effective control; and
- (b) the dog is not—
 - (i) a dangerous dog as defined in *Local Law No. 4 (Animal Management) 2002*; or
 - (ii) a prohibited dog as defined in *Subordinate Local Law No. 4.1 (Animal Management) 2002*; or
 - (iii) an exempt prohibited dog as defined in *Subordinate Local Law No. 4.1 (Animal Management) 2002*; or
 - (iv) a greyhound dog as defined in *Local Law No. 4 (Animal Management) 2002*; or
 - (v) a guard dog as defined in *Local Law No. 4 (Animal Management) 2002*; and
- (c) in the case of a dog that is a greyhound dog as defined in *Local Law No. 4 (Animal Management) 2002*, the greyhound dog is kept securely muzzled so as to prevent it from being able to injure, bite or damage a person, an animal or thing.

10 Regulation of business in a park

For the purpose of section 13 (Regulation of business in a park) of *Local Law No. 5 (Parks, Jetties and Boat Ramps) 2011*, a permit may be sought for a commercial recreational activity.

Part 3 Application of local law to public places

11 Water storage facilities

For the purposes of section 18(1) (Application of Part 3 to other public places) of *Local Law No. 5 (Parks, Jetties and Boat Ramps) 2011*, the provisions of Division 4 (Local government to exhibit a sign) of Part 3 (Regulation of parks) of *Local Law No. 5 (Parks, Jetties and Boat Ramps) 2011* shall apply to a water storage facility as if the water storage facility was a park.

12 Public places (other than a park)

For the purposes of section 18(1) (Application of Part 3 to other public places) of *Local Law No. 5 (Parks, Jetties and Boat Ramps) 2011*, the provisions of Division 4 (Local government to exhibit a sign) of Part 3 (Regulation of parks) of *Local Law No. 5 (Parks, Jetties and Boat Ramps) 2011* shall apply to a public place—

- (a) which is—
 - (i) a footpath or an unconstructed road; or
 - (ii) a reserve; or
 - (iii) premises of which the local government is the owner or occupier; and
 - (iv) premises which are managed or controlled by the local government; and
- (b) which is not a park.

Part 4 Permits

13 Requirement for a permit

For the purposes of section 27(3)(a) (Requirement for a permit) of *Local Law No. 5 (Parks, Jetties and Boat Ramps) 2011*, a permit is not required in respect of the undertaking of a prescribed activity if—

- (a) the undertaking of the prescribed activity in a park or a public place (which is not a park) has been authorised by the prior written approval of the local government; or

- (b) the undertaking of the prescribed activity is the exhibition of an election sign in a park or public place (which is not a park) which is being lawfully carried out under *Local Law No. 9 (Licensing) 1999*.

Example of subsection (a)—

The local government may issue a licence or lease to a person to occupy a house which is situated within a park.

14 Application for a permit for a commercial recreational activity

For the purposes of section 29(1)(c)(iv) (Application for a permit) of *Local Law No. 5 (Parks, Jetties and Boat Ramps) 2011*, unless otherwise specified by the local government an application for a permit for a commercial recreational activity must, to the extent applicable, be accompanied by—

- (a) the name, address, telephone number, facsimile number, email address, applicable qualifications and relevant experience of the person applying for the permit and all persons to be involved in the carrying on of the commercial recreational activity; 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 commercial recreational activity is to be carried; and
- (c) a copy of the registration certificate of any vehicle and registration details of any vessel used in the commercial recreational activity; and
- (d) details of the commercial recreational activity including—
 - (i) the nature of the commercial recreational activity; and
 - (ii) the time and places at which the commercial recreational activity will be carried out; and
 - (iii) the proposed hours of operation of the commercial recreational activity; and
 - (iv) all public liability insurance policies relating to the commercial recreational activity; and
 - (v) the proposed term of the permit; and
 - (vi) the impact, if any, on pedestrian or vehicular movements; and
 - (vii) the numbers and types of sanitary facilities and sanitary conveniences available to be used to service the commercial recreational activity; and

- (viii) the materials, equipment, vehicles and vessels to be used in the commercial recreational activity; and
 - (ix) the estimated number of car parks required for the operation of the commercial recreational activity; and
 - (x) the estimated maximum number of clients or customers to attend the commercial recreational activity at any one time; and
 - (xi) any requirements for lighting or sound amplification; and
 - (xii) a schedule of proposed fees and charges for clients or customers; and
- (e) a plan or map to scale showing—
- (i) the relevant part of the park that is to be used for the commercial recreational activity including the dimensions of the park that is to be used for the commercial recreational activity; and
 - (ii) the physical proximity between the relevant part of the park that is to be used for the commercial recreational activity and any existing premises used for the commercial recreational activity; and
 - (iii) the number and proposed location of any tables, chairs, shade structures, goods or other equipment to be used in respect of the commercial recreational activity; and
 - (iv) the type and location of any utility, service or infrastructure adjacent to the park to be used for the commercial recreational activity; and
- (f) a copy of a positive notice under the *Commission for Children and Young People and Child Guardian Act 2000* in respect of the person to be carrying on the commercial recreational activity; and
- (g) any other information required by the local government.

15 Assessment criteria for a permitted business

For the purposes of the Schedule (Dictionary) and section 30(1)(f) (Grant of a permit) of *Local Law No. 5 (Parks, Jetties and Boat Ramps) 2011* a commercial recreational activity must comply with the following assessment criteria—

- (a) the matters which are the subject of the conditions specified in section 19 (Conditions of a permit) of this subordinate local law which are relevant to the undertaking of the commercial recreational activity can be adequately addressed by the imposition of those conditions; and

- (b) the applicant for a permit for a commercial recreational activity has complied with any applicable development approval; and
- (c) the proposed schedule of fees and charges for clients or customers is, in the opinion of the local government, reasonable and ensures that the commercial recreational activity is generally accessible to the public; and
- (d) the commercial recreational activity will be operated only until 1 July the year after the year in which the permit was granted, unless the permit is renewed; and
- (e) the operation of the commercial recreational activity will not have an adverse impact on public access to and use of the park; and
- (f) an approval has not been granted by the local government for the operation of a commercial recreational activity in the park which is the same as or similar in nature to the proposed commercial recreational activity; and
- (g) the applicant for a permit for a commercial recreational activity holds a positive notice under the *Commission for Children and Young People and Child Guardian Act 2000*; and
- (h) the commercial recreational activity will not impact on existing premises so as to cause a loss or diminution in the services or facilities that are available to the community.

16 Term of a permit for a commercial recreational activity

For the purposes of section 31(1)(b) (Term of a permit) of *Local Law No. 5 (Parks, Jetties and Boat Ramps) 2011*, a permit for a commercial recreational activity expires on 1 July the year after the year in which the permit was granted, unless otherwise specified in the permit.

17 Application for a permit for use of a boat ramp for a commercial enterprise

For the purposes of section 29(1)(c)(iv) (Application for a permit) of *Local Law No. 5 (Parks, Jetties and Boat Ramps) 2011*, an application for a permit for the undertaking of a prescribed activity regulated by section 25 (Prohibition on commercial operations) of *Local Law No. 5 (Parks, Jetties and Boat Ramps) 2011* must be accompanied by—

- (a) the name and residential address of the commercial operator;
- (b) a description of the vessel or vessels that are proposed to be used by the commercial operator;
- (c) the name of the person or persons proposed to be in charge of the vessel or vessels;
- (d) the nature of the commercial operator's business;

- (e) the boat ramp or boat ramps to which the permit is requested to relate;
- (f) the nature of the commercial operator's proposed use of the boat ramp or boat ramps;
- (g) the hours during which the commercial operator proposes to use the boat ramp or boat ramps; and
- (h) any other information required by the local government.

18 Term of a permit for use of a boat ramp for a commercial enterprise

For the purposes of section 31(1)(b) (Term of a permit) of *Local Law No. 5 (Parks, Jetties and Boat Ramps) 2011*, a permit for the undertaking of a prescribed activity regulated by section 25 (Prohibition on commercial operations) of *Local Law No. 5 (Parks, Jetties and Boat Ramps) 2011* expires on 1 July the year after the year in which the permit was granted, unless otherwise specified in the permit.

19 Conditions of a permit

- (1) For the purposes of section 32(3) (Conditions of a permit) of *Local Law No. 5 (Parks, Jetties and Boat Ramps) 2011*, the local government may impose all or any of the following conditions on a permit for a prescribed activity¹—
 - (a) The operation of the prescribed activity must not detrimentally affect the amenity of neighbouring premises.
 - (b) The operation of the prescribed activity including all premises, buildings, structures, vehicles, facilities or equipment must be maintained at all times—
 - (i) in a good working order; and
 - (ii) in a good state of repair; and
 - (iii) in a clean and sanitary condition.
 - (c) The operation of the prescribed activity must not constitute a nuisance under *Local Law No. 10 (Public Health) 1999*.
 - (d) A contaminant must not be released to the environment as part of the operation of the prescribed activity if the release is likely to cause environmental harm unless such release is specifically authorised by the *Environmental Protection Act 1994*.

¹ This section prescribes, for the purposes of section 32(3) (Conditions of a permit) of *Local Law No. 5 (Parks, Jetties and Boat Ramps) 2011*, the conditions that will be imposed on a permit. However, the local government may, pursuant to section 32(1) (Conditions of a permit) of *Local Law No. 5 (Parks, Jetties and Boat Ramps) 2011* grant a permit on any conditions the local government considers appropriate.

- (e) All objects including vehicles and machinery which are dismantled as part of the operation of the prescribed activity must be dismantled undercover on a paved impervious surface which is unaffected by stormwater runoff.
- (f) 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 the waste, contaminant or material to any stormwater system or waters.
- (g) Lighting used to illuminate any areas of the operation of the prescribed activity must be angled or shaded in such a manner that the light does not cause a nuisance.
- (h) The operation of the prescribed activity must not attract fly breeding or vermin infestation.
- (i) The operation of the prescribed activity must be kept free of pests and conditions offering harbourage for pests.
- (j) Overcrowding must not be permitted to occur as part of the operation of the prescribed activity.
- (k) Adequate lighting levels must be maintained in accordance with the *Building Act 1975*.
- (l) Adequate means of evacuation must be maintained as part of the operation of the prescribed activity.
- (m) Water intended for use for domestic purposes as part of the operation of the prescribed activity must be from an approved water source.
- (n) The water to be used in the operation of the prescribed activity must be of an appropriate quality to be used for that purpose.
- (o) An adequate and continuous supply of cold and hot water must be maintained to all toilet, bathroom, kitchen, laundry and drinking water facilities that form part of the operation of the prescribed activity.
- (p) The water supply for drinking purposes must be potable water.
- (q) All water supply connections must be maintained in accordance with the *Water Act 2000*.
- (r) Adequate power points must be provided as part of the operation of the prescribed activity in locations specified by the local government.

- (s) A power source for electricity must not be used unless authorised by the local government.
- (t) Adequate shower, toilet and ablution facilities specified by the local government must be provided as part of the operation of the prescribed activity.
- (u) Adequate sanitary conveniences as authorised by the local government and sanitary facilities must be provided to service the operation of the prescribed activity.
- (v) Sanitary conveniences as authorised by the local government and sanitary facilities must be kept open during the hours of operation of the prescribed activity and signs must be erected indicating the location of the sanitary facilities.
- (w) All hazardous materials must be stored and used in a safe manner as part of the operation of the prescribed activity.
- (x) Adequate storage must be provided for all hazardous materials stored or used as part of the operation of the prescribed activity.
- (y) Waste containers sufficient to accommodate the collection and storage of all waste generated as part of the operation of the prescribed activity must be provided in the manner and locations specified by the local government.
- (z) Waste containers that are provided as part of the operation of the prescribed activity must at all times be regularly cleaned and maintained in a clean, tidy, sanitary and hygienic condition.
- (aa) Waste containers that are provided as part of the operation of the prescribed activity must be designed and constructed to prevent access to pests and to be easily and effectively cleaned and disinfected.
- (ab) All waste (including waste water) generated as part of the operation of the prescribed activity must be disposed of in a safe and sanitary manner and in accordance with the *Environmental Protection Act 1994* and the *Water Act 2000*.
- (ac) All waste generated as part of the operation of the prescribed activity must be disposed of in a manner which maintains the operation of the prescribed activity and its surrounds in a clean, tidy, sanitary and hygienic condition.
- (ad) All waste water generated during or from the operation of the prescribed activity must be discharged safely to the sewerage system or an on-site sewerage facility.

- (ae) Human waste from the operation of the prescribed activity must be disposed of at a dedicated sanitary facility, a sanitary convenience as authorised by the local government, the sewerage system or an on-site sewerage facility.
- (af) Trade waste from the operation of the prescribed activity must be disposed of in accordance with a permit under the *Water Act 2000*.
- (ag) Waste generated as part of the operation of the prescribed activity must be kept so as not to attract pests.
- (ah) Waste from the operation of the prescribed activity must not be disposed of into the stormwater system, waters or a watercourse.
- (ai) The holder of the permit must indemnify the local government, to the satisfaction of the local government, against any liability which may arise as a result of prescribed activity.
- (aj) The permit issued by the local government must be prominently and permanently displayed to enable it to be viewed by members of the public.
- (ak) The trading name and telephone number of the holder of the permit must be prominently and temporarily displayed during approved operational hours 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.
- (al) Adequate signage must be exhibited as part of the operation of the prescribed activity in the manner and locations specified by the local government.
- (am) Emergency contact numbers must be displayed in the manner and locations as specified by the local government or otherwise so that it can be viewed by members of the public.
- (an) The evacuation plan and procedures for the operation of the prescribed activity must be displayed in the manner and locations specified by the local government or otherwise so that it can be viewed by members of the public.
- (ao) Any premises, building, structure, facility, line marking and equipment which is part of the operation of the prescribed activity must not be changed in any respect without the prior notification of the local government and the approval of an authorised person.
- (ap) The operation of the prescribed activity must comply with the *Environmental Protection Act 1994*, *Environmental Protection (Water) Policy 2009*, *Environmental Protection (Noise) Policy 2008*,

Environmental Protection (Air) Policy 2008 and the Environmental Protection (Waste Management) Regulation 2000.

- (aq) The operation of the prescribed activity must be adequately managed to ensure compliance with *Local Law No. 5 (Parks, Jetties and Boat Ramps) 2011*, the relevant subordinate local law and the permit conditions.
 - (ar) The operation of the prescribed activity must not breach a provision of a local law.
- (2) For the purposes of section 32(3) (Conditions of a permit) of *Local Law No. 5 (Parks, Jetties and Boat Ramps) 2011*, the following conditions must be imposed in a permit for a prescribed activity which involves a gathering or meeting of more than 50 persons²—
- (a) Crowd control measures must be provided to the satisfaction of the local government.
 - (b) The holder of the permit must be familiar with all underground services, including electricity, gas, water supply, sewerage, telephone and other conduits.
 - (c) All relevant approvals must be obtained for the sale, distribution and consumption of liquor associated with the prescribed activity.
 - (d) The prescribed activity must comply with any relevant provisions of the *Workplace Health and Safety Act 1995*.
 - (e) If required by the local government, additional toilets for the prescribed activity must be provided and erected and serviced to the satisfaction of the local government.
 - (f) All relevant approvals must be obtained for processions which are to be held in association with the prescribed activity.
 - (g) Confetti must not be used in association with the prescribed activity.
- (3) For the purposes of section 32(3) (Conditions of a permit) of *Local Law No. 5 (Parks, Jetties and Boat Ramps) 2011*, the following conditions may be imposed in a permit for a prescribed activity which involves a commercial recreational activity³—

² This section prescribes, for the purposes of section 32(3) (Conditions of a permit) of *Local Law No. 5 (Parks, Jetties and Boat Ramps) 2011*, the conditions that will be imposed on a permit. However, the local government may, pursuant to section 32(1) (Conditions of a permit) of *Local Law No. 5 (Parks, Jetties and Boat Ramps) 2011* grant a permit on any conditions the local government considers appropriate.

³ This section prescribes, for the purposes of section 32(3) (Conditions of a permit) of *Local Law No. 5 (Parks, Jetties and Boat Ramps) 2011*, the conditions that will be imposed on a permit. However, the local government may, pursuant to section 32(1) (Conditions of a permit) of *Local Law No. 5 (Parks, Jetties and Boat Ramps) 2011* grant a permit on any conditions the local government considers appropriate.

- (a) The operation of the commercial recreational activity must comply with the *Anti-Discrimination Act 1991*.
- (b) The holder of the permit must hold a positive notice under the *Commission for Children and Young People and Child Guardian Act 2000*.
- (c) The holder of the permit must not erect a structure in relation to the commercial recreational activity without the prior written approval of an authorised person.
- (d) The holder of the permit must hold specified insurance for all persons involved in the operation of the commercial recreational activity, and in relation to the operation of the commercial recreational activity, for the term of the permit.
- (e) The holder of the permit, and all persons to be involved in the operation of the commercial recreational activity, must be appropriately qualified to operate the commercial recreational activity.
- (f) A first aid kit must be available for persons involved in the operation of the commercial recreational activity at all times.
- (g) A person appropriately qualified to provide first aid must be present during the operation of the commercial recreational activity.
- (h) The number of persons involved in the operation of the commercial recreational activity at any one time must not exceed the number specified by the local government.
- (i) The identity of the persons involved in the operation of the commercial recreational activity must at any time be in accordance with those specified by the local government.
- (j) The number of clients or customers of the commercial recreational activity must not at any time exceed the number specified by the local government.
- (k) The operation of the commercial recreational activity must only be carried out in a location specified by the local government.
- (l) The operation of the commercial recreational activity must not be carried out in an area which is closed for works, maintenance or any other purpose.

to section 32(1) (Conditions of a permit) of *Local Law No. 5 (Parks, Jetties and Boat Ramps) 2011* grant a permit on any conditions the local government considers appropriate.

- (m) If directed by the local government or an authorised person, the operation of the commercial recreational activity must be relocated to a specified location.
- (n) If directed by the local government or an authorised person due to inclement weather conditions, the operation of the commercial recreational activity must be postponed.

Schedule Dictionary

section 4

approved water source means a potable water source approved by the local government and may include a nominated reticulated water delivery point and a recognised water source.

commercial recreational activity means a business or commercial activity which is conducted in a park on a continuous, regular or periodic basis.

contaminant has the meaning given in the *Environmental Protection Act 1994*.

development approval has the meaning given in the *Sustainable Planning Act 2009*.

domestic purposes means the purposes of—

- (a) human consumption; or
- (b) food preparation; or
- (c) washing; or
- (d) other normal domestic activities.

effective control has the meaning given in the local government's animal management local laws.

emergency vehicle has the meaning given in *Local Law No. 7 (Parking) 2003*.

footpath has the meaning given in *Local Law No. 11 (Roads) 1999*.

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 substance; and
 - (ii) a dangerous good; and
 - (iii) a scheduled poison.

hazardous substance has the meaning given in the *Workplace Health and Safety Regulation 2008*.

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

scheduled poison has the meaning given in the *Standard for the Uniform Scheduling of Medicines and Poisons*.

stormwater system means—

- (a) a roadside gutter; or
- (b) a stormwater drain; or
- (c) surface water (being waters other than ground waters); or
- (d) any other land or structure that is used to convey or store stormwater.

waste water means a liquid waste.

watercourse has the meaning given in the *Water Act 2000*.

waters includes—

- (a) surface waters (including water flowing in a watercourse); and
- (b) ground waters; and
- (c) the bed and banks of waters.

water reserve means premises in the local government area of which the local government is the owner or occupier or trust land which the local government has resolved to set apart for water supply purposes.

water storage facility means—

- (a) a dam and the water impounded by the dam; and
- (b) a reservoir or storage tank forming part of the water supply system; and
- (c) a water reserve.

water supply system has the meaning given in the *Standard Plumbing and Drainage Regulation 2003*.

Endnotes

1 Index to Endnotes

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- 6 List of annotations

2 Date to which amendments incorporated

This reprint includes all amendments that commenced operation on or before the 7 August 2015.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation
amd	= amended
ch	= chapter
def	= definition
div	= division
hdg	= heading
ins	= inserted
om	= omitted
p	= page
pt	= part
renum	= renumbered
rep	= repealed
s	= section
sch	= schedule
sdiv	= subdivision

4 Table of reprints

A reprint is issued upon the commencement of an amending instrument. A reprint is given the date of commencement of the amending instrument.

Table of reprints of this subordinate local law

Reprint No.	Amendments included	Reprint date
1	<i>Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2015</i>	7 August 2015

5 List of legislation

Original Local Law

Local Law No. 5 (Parks, Jetties and Boat Ramps) 2011
date of gazettal 4 November 2011

Original Subordinate Local Law

Subordinate Local Law No. 5.1 (Parks, Jetties and Boat Ramps) 2011
date of public notice (date)
Reprint No. 1

Amending Subordinate Local Law

Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2015
date of public notice 7 August 2015

6 List of annotations

PART 4—PERMITS

Requirement for a permit

s 13 amd Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2015 s 4