

Subordinate Local Law No. 1.19 (Reservation of Bathing Reserve for Training, Competition etc) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.19 (Reservation of Bathing Reserve for Training, Competition etc) 2011*.

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) 2011* 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 prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.
- (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) 2011* (the **authorising local law**).

4 Definitions

Particular words used in this subordinate local law have the same meaning as provided for in the authorising 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 a prescribed activity in section 1; and
 - (b) prescribes the matters specified in this section for the 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 Reservation of bathing reserve for training, competition etc

Section 5

1. Prescribed activity

To—

- (a) set apart a bathing reserve or a part of a bathing reserve for life-saving training on an exclusive basis; or
- (b) use any part of a bathing reserve for the conduct of a surfing competition, a life-saving competition or another aquatic activity.

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

No activities stated.

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

- (1) Details of the activity proposed by the applicant.
- (2) Details of any adverse environmental impact the proposed activity is likely to have on the bathing reserve.
- (3) Details of any adverse impact the proposed activity is likely to have on the area surrounding the bathing reserve.
- (4) Details of how and when existing facilities in the bathing reserve will be used for the purposes of the activity proposed in the application.
- (5) Details of how the activity proposed by the applicant is likely to have an adverse impact on the safety of persons who participate in the activity or the general public.
- (6) Details of all equipment the applicant proposes to use.
- (7) Details of the commencement and duration of the proposed activity.

4. Additional criteria for the granting of an approval

- (1) The activity must be appropriate for the bathing reserve.
- (2) The activity must not have an adverse environmental impact on the bathing reserve.
- (3) The activity must not have an adverse impact on the area surrounding the bathing reserve.
- (4) The facilities in the bathing reserve must be adequate for the activity proposed in the application.

- (5) The activity must not have an adverse impact on the safety of participants in the activity or the general public.

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 require the approval holder to—

- (a) define the area identified in the approval (*approval area*) by signs, flags and floating buoys or in some other way that clearly identifies the approval area and the use for which it is set apart; and
- (b) take specified precautions to protect the safety of persons who enter the approval area; and
- (c) properly maintain all equipment and facilities used by the approval holder within the approval area; and
- (d) indemnify the local government in writing in respect of all claims for damage to property and personal injury arising out of the use authorised by the approval; and
- (e) effect and maintain in force at all times a public liability insurance policy noting the local governments interest as an insured party in respect of the use authorised by the approval for an amount of \$10 million or such higher amount as the local government considers appropriate; and
- (f) produce evidence of the existence and currency of the policy after receipt of a written request from an authorised person; and
- (g) where the holder of the approval is granted the right to use a bathing reserve or a part of a bathing reserve on a non-exclusive basis, make facilities installed under the approval available for use by the public at specified times or over specified periods; and
- (h) where the holder of the approval is granted the right to use a bathing reserve or a part of a bathing reserve for a specified event on a commercial basis, make facilities installed under the approval available for use by patrons of the event at specified times or over specified periods; and
- (i) provide temporary toilet facilities at a rate of 1 toilet per 80 people who attend the bathing reserve for the activity; and
- (j) remove any barrier or other structure placed or erected on the bathing reserve at the conclusion of the activity; and
- (k) collect and properly dispose of all waste and rubbish at the conclusion of the activity; and

- (1) erect temporary advertising signs to promote the use for which the approval area is set apart at—
 - (i) specified locations on the bathing reserve; and
 - (ii) specified times or over specified periods.

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.

This and the preceding 6 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.19 (Reservation of Bathing Reserve for Training, Competition etc) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Bundaberg Regional Council by resolution dated the 13th day of December 2011.

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Chief Executive Officer