

Fraser Coast Regional Council Subordinate Local Law No. 6 (Bathing Reserves) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 6 (Bathing Reserves) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 6 (Bathing Reserves) 2011*, which provides for the orderly management and regulation of activities within bathing reserves placed under the local government's control.
- (2) The purpose is to be achieved by providing for—
 - (a) the regulation of the use of aquatic equipment within bathing reserves; and
 - (b) the appointment and powers of authorised persons to manage and enforce the regulation of conduct within bathing reserves.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 6 (Bathing Reserves) 2011* (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) In addition, in this subordinate local law—

fishing buffer zone means an area comprising any part of the foreshore or waters that is within 100 metres of any point on the Urangan Pier, excepting a vessel transgressing the fishing buffer zone under normal navigational channel operations.

Note: A signalled navigation channel exists adjacent to the end of the Urangan Pier.

Part 2 Bathing reserves

This part in the authorising local law does not contain any matters to be provided for by subordinate local law.

Part 3 Use of aquatic equipment in bathing reserves

5 Prohibition or restriction of aquatic equipment—Authorising local law, s 12(1)

- (1) For section 12(1) of the authorising local law, the equipment mentioned in column 2 of schedule 1 is prohibited in the corresponding bathing reserve or part of a bathing reserve mentioned in column 1 of schedule 1.
- (2) For section 12(1) of the authorising local law, the equipment mentioned in column 2 of schedule 2 is restricted in the corresponding bathing reserve or

part of a bathing reserve mentioned in column 1 of schedule 2, to the extent described in column 3 of schedule 2.

Part 4 Behaviour in bathing reserves

6 Prohibited equipment—Authorising local law, s 15(3)

For section 15(3) of the authorising local law, the following objects are prohibited equipment in a bathing reserve—

- (a) a land yacht;
- (b) a tent or shelter that covers an area of more than 10 square metres;
- (c) aquatic equipment that is permanently moored.

7 Circumstances where prohibited equipment permitted—Authorising local law, s 15(2)

For section 15(2) of the authorising local law, the prohibition on prohibited equipment in a bathing reserve does not apply—

- (a) in the case of a spear gun or fishing spear—where the gun or spear is not loaded and is located within the confines of a boat that is in a boat access or navigation channel; or
- (b) in the case of a tent or shelter that covers more than 10 square metres— where the tent or shelter is either—
 - (i) used during a competition or event for which an approval has been granted by the local government; or
 - (ii) erected within an area set aside by the local government for tents or shelters.

Part 5 Life-saving clubs and powers of authorised persons

This part in the authorising local law does not contain any matters to be provided for by subordinate local law.

Part 6 Authorised persons

8 Appointment of authorised persons—Authorising local law, s 26(1)(a)

For section 26(1)(a) of the authorising local law, the captain of a life-saving patrol is an authorised person for the authorising local law.

9 Limitation of authorised persons' powers—Authorising local law, s 27

For section 27 of the authorising local law, the powers of an authorised person appointed under section 8 of this subordinate local law are limited as follows—

- (a) the authorised person may only exercise the powers of an authorised person—
 - (i) in the part of the bathing reserve assigned to the life-saving club under section 19 of the authorising local law; and

- (ii) during the times that the person is part of a life-saving patrol.
- (b) the authorised person may only exercise the powers under sections 20 (Enclosure for life-saving patrol), 22 (Power to remove or reduce danger) and 24 (Powers to require bathers to leave water) of the authorising local law.

10 Conditions of office for authorised persons—Authorising local law, s 28(1)

For section 28(1) of the authorising local law, an authorised person appointed under section 8 of this subordinate local law holds office on the following condition—

- (a) if there is any conflict between an authorised person appointed under section 26(1)(b) of the authorising local law and an authorised person appointed under section 8 of this subordinate local law regarding the way the powers of an authorised person should be exercised under the local law, the powers shall be exercised as directed by the authorised person appointed under section 26(1)(b).

Schedule 1 Prohibited aquatic equipment for bathing reserves or parts of bathing reserves

section 5(1)

	Column 1 Bathing reserve or part of bathing reserve	Column 2 Prohibited aquatic equipment
1	a fishing buffer zone within any bathing reserve in the local government area	all aquatic equipment

Schedule 2 Restricted aquatic equipment for bathing reserves or parts of bathing reserves

section 5(2)

	Column 1 Bathing reserve or part of bathing reserve	Column 2 Restricted aquatic equipment	Column 3 Extent of restriction
1	<p>all bathing reserves within the following areas—</p> <ul style="list-style-type: none"> • between Scarness Pier and Margaret Street Groyne; • between Grinstead Road and the western end of Mant Street; • between the intersection of Mant and Corfield Streets and the eastern end of Aplin Street 	a boat or vessel, a jet ski or another motorised device	<p>permitted only¹—</p> <ul style="list-style-type: none"> (a) within a boat access or navigation channel; or (b) within 20 metres of a public boat ramp; or (c) within 50 metres of a pier or jetty; or (d) beyond a distance of 200 metres from the shoreline

¹ Under section 13 of the authorising local law, an item of aquatic equipment can also be used within a particular part of a bathing reserve set apart for that particular type of aquatic equipment.