

Bathing Reserves (Amendment)

Subordinate Local Law (No. 1) 2015

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Council of the City of Gold Coast Bathing Reserves (Amendment) Subordinate Local Law (No. 1) 2015

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Council of the City of Gold Coast Bathing Reserves (Amendment) Subordinate Local Law (No. 1) 2015

Part 1 Preliminary

1 Short title

This local law may be cited as *Bathing Reserves (Amendment) Subordinate Local Law (No. 1) 2015*.

2 Object

The object of this subordinate local law is to amend *Subordinate Local Law No. 10.1 (Bathing Reserves) 2005* to—

- (a) assist in the regulation of regulated activities;
- (b) make minor and consequential amendments.

3 Commencement

This local law commences upon publication of the notice of the making of *Bathing Reserves (Amendment) Subordinate Local Law (No. 1) 2015* in the gazette.

Part 2 Amendment of Subordinate Local Law No. 10.1 (Bathing Reserves) 2005

4 Local law amended

This part amends *Subordinate Local Law No. 10.1 (Bathing Reserves) 2005*.

5 Amendment of section 1 (Short title)

Subsection 1, ‘Subordinate Local Law No. 10.1 (Bathing Reserves) 2005’ —
italicise—

‘*Subordinate Local Law No. 10.1 (Bathing Reserves) 2005*’

6 Amendment of section 3 (Objects)

- (1) Subsection 3(e), after ‘amenity’ —

insert—

‘and meets the objectives of the local government’s commercial activities on ocean beaches management plan or surf management plan (as amended from time to time)’

- (2) Subsection 3(f), after ‘area’ —

insert—

‘and meets the objectives of the local government’s commercial activities on ocean beaches management plan or surf management plan (as amended from time to time),’

7 Amendment of section 5 (Prohibited activities)

- (1) Section 5, ‘To avoid any doubt, for’ –

omit, insert-

‘For’

- (2) Section 5, ‘11’ —

omit, insert—

‘13’

- (3) Section 5(a), ‘the supply of personal or group fitness training activities’ —

omit, insert—

‘a commercial fitness activity’

- (4) Section 5, subsection ‘(b)’ —

omit, insert—

‘(b) conducting a busking performance.’

8 Renumbering of sections 5 to 12

After section 4, ‘sections 5 to 12’ —

Renumber as sections 6 to 13

9 Insertion of new section 5 (Prohibited equipment)

After ‘Part 2 Regulation of bathing reserves’ —

insert new section 5—

‘5 Prohibited equipment

For the purposes of section 13(1)(e) and Schedule (Dictionary) of *Local Law No. 10 (Bathing Reserves) 2004*, the following equipment is prohibited in a bathing reserve—

- (a) fitness equipment.’

10 Amendment of section 7 (Requirement for a permit)

- (1) Section 7(g), ‘conducting’ –
omit, insert-
‘participating in’
- (2) Section 7(g), after ‘ceremony’ –
insert-
‘as a bride or groom’
- (3) Section 7(h)(ii), ‘(; or)’ –
omit, insert-
‘.’
- (4) Section 7, subsections ‘(a), (d), (f), (i) and (j)’ –
omit—
- (5) Section 7, subsections ‘(b), (c), (e), (g) and (h)’ –
renumber as subsections ‘(a) to (e)’
- (6) Section 7, ‘For the purposes....’
renumber as subsection (2)
- (7) Section 7, before subsection (2) –
insert-
‘(1) For the purposes of section 21(2)(a) of *Local Law No. 10 (Bathing Reserves) 2004*, a permit is not required to operate the following businesses in a bathing reserve, provided the business complies with the prescribed criteria—
 - (a) the delivery to a person in a bathing reserve of food or non-alcoholic beverages from a business located outside a bathing reserve; and
 - (b) the delivery to a person in a bathing reserve of beach equipment from a business located outside a bathing reserve; and
 - (c) the following businesses where they are solely associated with a marriage ceremony that has a permit under *Local Law No. 10 (Bathing Reserves) 2004—*

- (i) conducting a marriage ceremony by a marriage celebrant; and
- (ii) photography undertaken for a commercial purpose.'

11 Amendment of section 8 (Application for a permit)

Section 8, '20' –

omit, insert-

'22'

12 Amendment of section 9 (Grant of a permit)

- (1) Section 9(1) and (2), '21' wherever it appears–

omit, insert-

'23'

- (2) Section 9(2)(a), 'surfing' –

omit, insert-

'surfing, kite surfing, windsurfing or teaching relating to other wind powered craft'

13 Amendment of section 10 (Conditions of a permit)

- (1) Section 10(1), '23' –

omit, insert-

'25'

- (2) Section 10(1), 'an authorised person may require the holder of a permit to' –

omit, insert-

'the local government may impose all or any of the following conditions on the permit'

14 Omission of section 11 (Who are authorised persons)

'Section 11 (Who are authorised persons)'–

omit

15 Insertion of new section 11 (Prescribed criteria)

After ‘Section 10 Conditions of a permit’ and before ‘Part 4 Authorised persons’—

insert

‘11 Prescribed criteria

(1) For the purposes of section 7(1) of this subordinate local law, a regulated activity must comply with the following prescribed criteria—

(a) for a regulated activity which is the delivery to a person in a bathing reserve of food or non-alcoholic beverages from a business located outside a bathing reserve under section 7(1)(a) of this subordinate local law—

(i) the business must not be operated from a mobile or temporary premises or a vehicle; and

(ii) the delivery is restricted to food and non-alcoholic beverages in a volume that is able to be delivered by a single person in a single trip into and out of the bathing reserve; and

(iii) vehicles are not to be driven on the beach, dunes, parks or reserves; and

(iv) the only items that may be delivered to a bathing reserve are food, non-alcoholic beverages, the containers in which they are served, and utensils used for serving or consuming the food and non-alcoholic beverages; and

(v) the containers in which the food and drink is delivered to a bathing reserve must not contain any glass; and

(vi) any waste associated with the regulated activity must be disposed of in a suitable waste receptacle; and

(vii) any person responsible for the delivery—

(A) must not tout or carry out any other business activities on the bathing reserve other than the delivery under section 7(1)(a); and

(B) must comply with a direction given by an authorised person.

- (b) for a regulated activity which is the delivery of beach equipment to a person in a bathing reserve under section 7(1)(b) of this subordinate local law—
- (i) the business delivering the beach equipment must not be operated from a mobile or temporary premises or a vehicle; and
 - (ii) vehicles are not to be driven on the beach, dunes, parks or reserves; and
 - (iii) the beach equipment is to be removed from the bathing reserve immediately upon the expiry of the period for which the beach equipment has been hired (unless the next period of hire commences immediately after the preceding period of hire); and
 - (iv) the beach equipment is to be removed from the bathing reserve immediately upon—
 - (A) the issue of a severe weather warning which applies to the bathing reserve; or
 - (B) the direction of an authorised person; and
 - (v) The business operating the delivery of beach hire equipment must hold at all times a broadform public liability insurance policy for at least \$10 million or another amount specified by the local government that notes the interests of the Council of the City of Gold Coast in respect of the operation of the delivery of beach hire equipment. The policy must be held for presentation and produced on request to an authorised person.'

16 Amendment of section 12 (Limitation on powers)

- (1) Section 12, '38' –

omit, insert-

'40'

- (2) Section 12, after '2004' –

insert-

'an authorised person who holds the rank of captain in a life-saving patrol may'

- (3) Section 12(b)(i), ‘the authorised person holds the rank of captain in a life-saving patrol and’ –

omit-

- (4) Section 12(b)(ii), ‘16(4), 17(9), 18(1), 47(1), (2), (3) and (4), 49(1), 44(1), 45(1), 46(1) and 15 (Interference with flags and life-saving equipment)’ –

omit, insert-

‘17 (Interference with flags and life-saving equipment), 18(4), 19(9), 20(1), 46(1), 47(1), 48(1), 49(1), (2), (3) and (4) and 51(1)’

- (5) Section 12(b), subsections ‘(i), A, B and (ii)’ –

Renumber as subsections ‘(a), (i), (ii) and (b)’-

- (6) Section 12, ‘subsection (a)’ –

omit-

- (7) Section 12, ‘(b) an authorised person who holds the rank of captain in a life-saving patrol may-’ –

omit-

17 Amendment of section 13 (Authorised person’s appointment conditions)

- (1) Section 13, ‘39’ –

omit, insert-

‘41’

- (2) Section 13, ‘an authorised person who is either an authorised life saver or’ –

omit-

18 Amendment of Schedule (Dictionary)

- (1) Schedule, definition of ‘*authorised life-saver*’ –

omit-

- (2) Schedule, definition of *patrol area*, ‘has the meaning given in section 11(b)’ –

omit, insert-

‘means the part of the bathing reserve assigned to a life-saving club to conduct life-saving patrols’

- (3) Schedule, definition of ***patrol period***, ‘has the meaning given in section 11(b)’–

omit, insert-

‘means the period during which life-savers are on duty conducting life-saving patrols’

- (4) Schedule, definitions –

insert-

‘commercial fitness activity—

- (a) commercial fitness activity means a business or commercial activity involving the supply of the following personal or group fitness training activities—
- (i) circuit training; and
 - (ii) resistance training; and
 - (iii) fitness training involving self-defence or the use of boxing gloves and boxing pads; and
 - (iv) organised aerobic activity, including group walking or running activities, whether or not involving a thing that is pushed, pulled or carried; and
 - (v) fitness activities involving yoga, tai chi, pilates, meditation or a similar activity; and
 - (vi) group fitness activities conducted by an individual instructor or multiple instructors involving the participation of individuals, or groups of persons in strength, resistance or cardiovascular based activities, whether or not involving the use of equipment; and
 - (vii) any combination of the activities mentioned in paragraphs (i) to (vii); and
- (b) commercial fitness activity does not include—

- (i) a club training activity; or
- (ii) a corporate event.

corporate event means an activity carried out as part of a temporary conference or convention.

fitness equipment—

- (a) fitness equipment means equipment used or intended to be used for fitness training purposes; and
- (b) fitness equipment includes metal bars, exercise weights, benches, logs, tyres, sledge hammers, heavy ropes, medicine balls, boxing gloves, punching bags, kickboxing bags, weight training machines or rowing machines or any other large load bearing or large resistance training equipment; and
- (c) fitness equipment does not include—
 - (i) lifesaving equipment if it is being used for training, the surveillance of the bathing reserve or to assist bathers in distress by—
 - (A) members of a life-saving patrol; or
 - (B) a lifeguard; or
 - (ii) marker flags or marker cones; or
 - (iii) sports balls, including footballs, soccer balls, tennis balls or the like.

permitted business means the following businesses or commercial activities—

- (a) conducting a surfing competition; and
- (b) conducting a surf school pursuant to section 9(2) of this subordinate local law; and
- (c) conducting an underwater recreational activity; and
- (d) the hiring of beach equipment by a life-saving club within the part of the bathing reserve which is located not more than one-hundred metres on either side of the life-saving club's clubhouse; and
- (e) conducting a marriage ceremony by a marriage celebrant; and
- (f) setting apart the bathing reserve, or part of the bathing reserve, commonly known as "North Kirra Beach" for use as a landing area for tandem skydivers; and
- (g) an entertainment or promotional event, product launch or corporate event, which—

- (i) is of economic significance to the area; and
- (ii) complies with the local government's ocean beaches management plan or surf management plan (as amended from time to time); and
- (h) film production; and
- (i) a temporary broadcast of a radio or television program; and
- (j) photography undertaken for a commercial purpose; and
- (k) the delivery to a person in a bathing reserve of food or non-alcoholic beverages from a business located outside a bathing reserve; and
- (l) the delivery of beach equipment to a person in a bathing reserve; and
- (m) a temporary business authorised by a resolution of the local government for a specific time period.

underwater recreational activity—

- (a) includes-
 - (i) scuba diving;
 - (ii) snorkelling;
- (b) but does not include-
 - (i) spear fishing. '