

Attachment

Detail of Proposed Amendments

Subordinate Local Law Amendments

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Subordinate Local Law No. 7 (Bathing Reserves) 2015

Law	Issue	Proposed Amendment
Subordinate Local Law No. 7	Wellington Point Reserves is a very popular beach especially in school holidays. Surf lifesaving Queensland conducted a risk assessment of the area and identified a number of issues with regard to motorised aquatic equipment.	Amend Schedule 2 (Restricted aquatic equipment for bathing reserves or parts of bathing reserves) to restrict the use of motorised aquatic equipment within 60 m of a bathing reserve and non-motorised equipment within 10 m.

Schedule 2 of Subordinate Local Law No. 7, outlines the aquatic equipment that is restricted in bathing reserves and the extent of that restriction. As currently drafted Schedule 2 (1) restricts all aquatic equipment both motorised and non-motorised to within 60m of a bathing reserve. The draft amendment (see below) will remove reference to non-motorised equipment from Schedule 2 (1) and create a new provision Schedule 2 (2) which will allow non-motorised equipment such as Kayaks; Stand up paddle boards, surf ski's etc. to be launched within 10m of the bathing reserve. It is recommended that the reference to non-motorised aquatic equipment is removed for item (1) of Schedule 2 and the new provision (2) is added.

	Column 1 Bathing reserve or part of bathing reserve	Column 2 Restricted aquatic equipment	Column 3 Extent of restriction
1	All bathing reserves within the local government area.	(a) a motorised boat or vessel; or (b) a jet ski; or (c) another motorised device for use on or in water to carry a person or thing across or through water or for recreational use in water.	(a) Not permitted within 60m of a bathing area in a bathing reserve. Note – The 60m distance may be determined by the placement of a black and white beach safety flag (BF04) of the design prescribed by Australian Standard No. 2416 by an authorised person. (b) This section does not apply to life-saving equipment used by members of a life-

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	Column 1 Bathing reserve or part of bathing reserve	Column 2 Restricted aquatic equipment	Column 3 Extent of restriction
			saving patrol for surveillance of the bathing reserve or to assist bathers in distress
2	All bathing reserves within the local government area.	(a) a non-motorised boat or vessel; or (b) a surf ski; or (c) a surf board; or (d) a sail board; or (f) another non-motorised device for use on or in water to carry a person or thing across or through water or for recreational use in water.	(a) Not permitted within 10m of a bathing area in a bathing reserve. Note – The 10m distance may be determined by the placement of a black and white beach safety flag (BF04) of the design prescribed by Australian Standard No. 2416 by an authorised person. (b) This section does not apply to life-saving equipment used by members of a life-saving patrol for surveillance of the bathing reserve or to assist bathers in distress

Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015

Law	Issue	Proposed Amendment
Subordinate Local Law No. 4	Surf Lifesaving Queensland undertook a risk assessment of Wellington Point Beach in 2015. Council is unable to action all the recommendations in the report as Wellington Point Beach is not a gazetted bathing reserve.	Update schedule 6 to identify Wellington Point Beach as a bathing reserve.
Schedule 2 (a)	References section 66(3)(b) of the Transport Operations (Road Use Management) Act 1995	Following amendments to the Act the correct reference is section 66(3)(d).
Schedule 7	Bathing reserve is defined as having the meaning given in the <i>Local Government Regulation</i>	Update definition to 'means an area placed under the control of a local government as a

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	2012.	bathing reserve under section 62 (Bathing reserves) of the <i>Local Government Regulation 2012</i>
	Plant is defined as 'has the meaning given in the <i>Land Protection (Pest and Stock Route Management) Act 2002</i> '.	Update definition to 'means a member of the plant kingdom, other than a protected plant under the <i>Nature Conservation Act 1992</i> , and includes all or any part of the flowers, seeds or genetic or reproductive material of the plant.
	Public transport waiting point definition references section 26ZPA of the <i>Tobacco and Other Smoking Products Act 1998</i>	Following amendments to the Act the correct reference is section 26ZKB.

Gazetted Bathing Reserves are listed in Schedule 6 of SLL 4. Each of the listed reserves has been gazetted by the State Government. The amendment to SLL4 will not be finalised until Council's application for gazettal of Wellington Point Beach is approved by the State.

Currently the following is the list of gazetted bathing reserves contained in Schedule 6.

Bathing reserves

Description	Location Description
Main Beach	Coochiemudlo Island
Thompsons Beach	Victoria Point
Cylinder Beach	Point Lookout, North Stradbroke Island
Main Beach	Point Lookout, North Stradbroke island
Amity	Amity, North Stradbroke Island

It is proposed to include:

Wellington Point Beach	Wellington Point Reserve
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