

Subordinate Local Law No. 1.20 (Bringing a Motor Vehicle onto, or Driving a Motor Vehicle on, a Bathing Reserve or Foreshore) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.20 (Bringing a Motor Vehicle onto, or Driving a Motor Vehicle on, a Bathing Reserve or Foreshore) 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

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 3 defines particular words used in this subordinate 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 1 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 Bringing a Motor Vehicle onto, or Driving a Motor Vehicle on, a Bathing Reserve or Foreshore

Section 5

1. Prescribed activity

Bringing a motor vehicle onto, or driving a motor vehicle on, the bathing reserve or foreshore, or the part of the bathing reserve or foreshore, identified as Lilley's Beach.

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

No activity stated.

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

- (1) Full details of the reason for bringing the motor vehicle onto, or driving the motor vehicle on, the bathing reserve or foreshore.
- (2) Details of the time and place at which the prescribed activity will be undertaken.
- (3) Details of how the applicant proposes to obtain access to, and egress from, the bathing reserve or foreshore.
- (4) Particulars of—
 - (a) the name and residential address of the applicant; and
 - (b) the name and residential address of the driver of the vehicle, if not the applicant; and
 - (c) the type and description of the motor vehicle proposed to be used in the conduct of the prescribed activity.

4. Additional criteria for the granting of an approval

- (1) The undertaking of the prescribed activity on the bathing reserve or foreshore must not—
 - (a) result in—
 - (i) harm to human health or safety; or
 - (ii) property damage or loss of amenity; or
 - (iii) nuisance; or
 - (iv) obstruction of pedestrian or vehicular traffic; or

- (v) environmental harm; or
- (vi) environmental nuisance; or
- (b) adversely affect—
 - (i) the amenity of the area in which the prescribed activity is to be undertaken; or
 - (ii) the usual use or enjoyment of the bathing reserve or foreshore.
- (2) The use of the motor vehicle on the bathing reserve or foreshore must be appropriate for the bathing reserve or foreshore.

5. Conditions that must be imposed on an approval

No conditions prescribed.

6. Conditions that will ordinarily be imposed on an approval

- (1) The conditions of an approval may—
 - (a) require compliance with specified safety requirements; and
 - (b) regulate when, or the time within which, the prescribed activity must be carried out; and
 - (c) specify standards with which the prescribed activity must comply; and
 - (d) require the approval holder to—
 - (i) take out and maintain public liability insurance as specified by the local government and produce documentary evidence of the insurance to the local government before commencement of the prescribed activity; and
 - (ii) give the local government specified indemnities; and
 - (iii) exhibit specified signage warning about the conduct of the prescribed activity; and
 - (e) restrict the right to undertake the prescribed activity to a specific vehicle or type of vehicle specified in the approval; and
 - (f) require the approval holder to limit the speed of any vehicle used in the undertaking of the prescribed activity to a speed limit specified in the approval; and
 - (g) require the approval holder to—
 - (i) access and egress the bathing reserve or foreshore in a specified manner and at a specified location; and

- (ii) display the approval at a specified location on each vehicle used in the undertaking of the prescribed activity; and
 - (iii) give notice, in a manner specified in the approval, of the undertaking of the prescribed activity at the bathing reserve or foreshore to persons residing in the vicinity of the bathing reserve or foreshore; and
 - (iv) rectify any damage to the bathing reserve or foreshore which is a direct or indirect result of the undertaking of the prescribed activity.
- (2) The conditions of an approval may require the approval holder to take specified measures to—
- (a) prevent harm to human health or safety of persons involved in, or affected by, the undertaking of the prescribed activity; and
 - (b) prevent loss of amenity or nuisance resulting from the undertaking of the prescribed activity; and
 - (c) ensure that the undertaking of the prescribed activity does not cause unsafe movement or obstruction of pedestrian or vehicular traffic.

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.

Schedule 3 Dictionary

Section 4

environmental harm has the meaning given in the *Environmental Protection Act 1994*.

environmental nuisance has the meaning given in the *Environmental Protection Act 1994*.

Lilley's Beach has the meaning given in *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011*.

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