

Gold Coast City Council



Subordinate Local Law No. 16.4 (Film Production) 2008

It is hereby certified that this is a true and correct copy of
Subordinate Local Law No. 16.4 (Film Production) 2008 made, in accordance with the
Local Government Act 1993, by the Council of the City of Gold Coast

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Acting Chief Executive Officer

**Gold Coast City Council
Subordinate Local Law No. 16.4
(Film Production) 2008**

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Gold Coast City Council Subordinate Local Law No. 16.4 (Film Production) 2008

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 16.4 (Film Production) 2008*.

2 Authorising local law

This subordinate local law is made pursuant to *Local Law No. 16 (Licensing) 2008*.

3 Object

The object of this subordinate local law is to assist in the implementation of *Local Law No. 16 (Licensing) 2008* by ensuring that—

- (a) the operation of film production does not cause a nuisance or a loss of amenity; and
- (b) public health and safety and property is protected.

4 Definitions—the dictionary

The dictionary in the Schedule (Dictionary) of this subordinate local law defines particular words used in this subordinate local law.

Part 2 Licensing

5 Requirement for a licence

For the purposes of section 5(3) (Requirement for a licence) of *Local Law No. 16 (Licensing) 2008*, a licence is not required under section 5(1) (Requirement for a licence) of *Local Law No. 16 (Licensing) 2008* in respect of the operation of film production on land which is not a public place.

6 Application for a licence

For the purposes of section 6(1)(c)(iv) (Application for a licence) of *Local Law No. 16 (Licensing) 2008*, an application for a licence for the operation of film production must, unless otherwise required by the local government, be accompanied by—

- (a) the name, street address, telephone number, facsimile number and email address of the person operating the film production; and
- (b) the trading name, street address, telephone number, facsimile number, email address, registered business name and Australian Company Number of the business under which the film production is to be operated; and
- (c) the name and street address of the person responsible for the design of any buildings or structures involved in the operation of the film production; and
- (d) the number of vehicles to be used in the operation of the film production and the registration number of any vehicles, if required; and
- (e) details of the operation of the film production including—
 - (i) the location of the film production; and
 - (ii) the hours of operation; and
- (f) a plan to scale of the operation of the film production showing—
 - (i) a site plan; and
 - (ii) a floor plan; and
 - (iii) a plan showing elevations; and
 - (iv) a plan depicting construction and fitout details; and
- (g) details of all public liability insurances held by the person operating the film production; and
- (h) evidence that all approvals under State or Commonwealth legislation required for or associated with the operation of the film production have been obtained; and
- (i) details of the proposed inspection, monitoring and management program.

7 Deciding application for a licence

For the purposes of Schedule 2 (Dictionary) and section 7(2)(f) (Deciding application for a licence) of *Local Law No. 16 (Licensing) 2008*, the local government must grant a licence for the operation of film production if satisfied that the operation of the film production complies with the following assessment criteria—

- (a) The operation of the film production can be lawfully conducted on the premises.

- (b) In the case of a road which is a State-controlled road, the written permission of the Department of Main Roads has been obtained.
- (c) The matters which are the subject of the conditions specified in section 8 (Conditions of a licence) of this subordinate local law which are relevant to the operation of the film production can be adequately addressed by the imposition of those conditions.

8 Conditions of a licence

For the purposes of section 9(3) (Conditions of a licence) of *Local Law No. 16 (Licensing) 2008*, the local government may impose all or any of the following conditions on a licence for the operation of film production¹—

- (a) The person who will be operating the film production must keep the licence in respect of the operation of the film production on the approved premises at all times during which the film production is being operated.
- (b) The operation of the film production must not detrimentally affect the amenity of neighbouring premises.
- (c) The hours of operation of the film production must not detrimentally affect the amenity of neighbouring premises.
- (d) The operation of the film production must not cause harm to human health or safety, or damage to property.
- (e) The person who will be operating the film production must provide a specified security or cash bond to the local government by the earlier of the following—
 - (i) within five days of the licence being granted; or
 - (ii) prior to the commencement of the operation of the film production.
- (f) The operation of the film production including any premises, building, structure, vehicle, facility or equipment must be maintained at all times—
 - (i) in good working order; and
 - (ii) in a good state of repair; and
 - (iii) in a clean and sanitary condition.

¹ This section prescribes, for the purposes of section 9(3) (Conditions of a licence) of *Local Law No. 16 (Licensing) 2008*, the conditions that will ordinarily be imposed in a licence. However, the local government may, pursuant to section 9(1) (Conditions of a licence) of *Local Law No. 16 (Licensing) 2008*, grant a licence on any conditions the local government considers appropriate.

- (g) The operation of the film production must not cause a noise nuisance to neighbouring premises.
- (h) The operation of the film production must not constitute a nuisance under *Local Law No. 8 (Public Health, Safety and Amenity) 2008*.
- (i) The operation of the film production must not involve the storage in the open of specified goods or materials associated with the film production other than at the times and places specified by the local government.
- (j) The operation of the film production must only be undertaken—
 - (i) during the hours specified in the licence; and
 - (ii) at the locations specified in the licence; and
 - (iii) for the period of time specified in the licence.
- (k) The person operating the film production must hold a public liability insurance policy for \$10 million or another amount specified by the local government in respect of the operation of the film production, which notes the local government's interest as an insured party.
- (l) Prior to the commencement of the activity, the person operating the film production must notify any person that may be affected by the operation of the film production of the locations, dates and times of the activity by one or more of the following means—
 - (i) placing a public notice in a newspaper circulating generally in the areas that may be affected by the operation of the film production; or
 - (ii) conducting a door-knock or letterbox drop in the areas that may be affected by the operation of the film production; or
 - (iii) placing a written notice in a location specified by the local government.
- (m) A contaminant must not be released to the environment as part of the operation of the film production if the release may cause environmental harm unless such release is specifically authorised by the *Environmental Protection Act 1994*.
- (n) All objects, including vehicles and machinery, which are dismantled as part of the operation of the film production must be dismantled undercover on a paved impervious surface which is unaffected by stormwater runoff.
- (o) Only rainwater from uncontaminated areas may drain directly into the stormwater system.

- (p) Adequate crowd control and security measures must be implemented.
- (q) Pedestrian control measures must be implemented when required.
- (r) If the operation of the film production involves the use of animals—
 - (i) all animals kept on the premises must be housed or displayed in a suitable enclosure; and
 - (ii) all animal enclosures must be provided and maintained in such a manner so as to—
 - (A) be clean and in a sanitary condition; and
 - (B) prevent any animal from escaping from the approved premises; and
 - (C) protect the safety of staff and the public; and
 - (D) be kept within the curtilage of the approved premises; and
 - (E) be in a state of good order and repair; and
 - (F) avoid injury to the animal; and
 - (G) permit regular cleaning of all the internal and external surfaces of the enclosures and regular checking of any animal within the enclosures; and
 - (H) be impervious and able to be effectively cleaned and sanitised; and
 - (I) ensure the comfort of animals and the prevention of disease; and
 - (iii) insecticides, larvicides and disinfectants must be used in the premises—
 - (A) in accordance with the manufacturers' instructions; and
 - (B) so as not to cause a risk of injury to the animals; and
 - (iv) all animal enclosures must be cleaned and sanitised and if necessary insecticided or larvicided before the introduction of a replacement animal; and
 - (v) all animals must be provided with adequate food and water; and
 - (vi) feed must be stored in insect and vermin proof containers; and

- (vii) feed and water containers used by the animals must be of impervious, smooth construction, non-chip, non-toxic and able to be effectively cleaned and sanitised; and
- (viii) feed that has spoiled or deteriorated must be immediately removed and disposed of in a waste container; and
- (ix) spilled feed must be immediately collected and disposed of in a waste container; and
- (x) all surfaces of the approved premises such as walls, floors, ceilings fixtures and fittings must be kept clean and sanitised at all times; and
- (xi) if an animal contracts or is suspected of contracting a disease—
 - (A) the animal must be isolated from other animals; and
 - (B) immediate action must be taken to ensure prompt notification, treatment and removal of the animal.
- (s) Any spillage of a waste, a contaminant or another material must—
 - (i) be cleaned up immediately; and
 - (ii) not be cleaned up by hosing, sweeping or otherwise releasing the waste, contaminant or material to any stormwater system or waters.
- (t) Stormwater must be diverted away from hazardous material storage and contained work areas.
- (u) Lighting used to illuminate any areas of the premises must be angled or shaded in such a manner that the light does not cause a nuisance.
- (v) The operation of the film production must not attract fly breeding or vermin infestation.
- (w) No access must be provided to the ingress of vermin as part of the operation of the film production.
- (x) The operation of the film production must be kept free of pests and conditions offering harbourage for pests.
- (y) Water intended for use for domestic purposes as part of the operation of the film production must be from an approved water source.
- (z) The water to be used in the operation of the film production must be of an appropriate quality to be used for that purpose.

- (aa) Adequate water and electricity must be provided as part of the operation of the film production.
- (ab) All hazardous materials must be stored and used in a safe manner as part of the operation of the film production.
- (ac) All maintenance of the operation of the film production must be performed safely in accordance with all relevant laws.
- (ad) Adequate storage must be provided for all hazardous materials stored or used as part of the operation of the film production.
- (ae) Waste waters from the washing down of floors, surfaces, enclosures and other areas must be collected and drained to an approved pre-treatment device before discharge to the sewerage system.
- (af) Waste containers sufficient to accommodate the collection and storage of all waste generated as part of the operation of the film production must be provided in the manner and locations specified by the local government.
- (ag) Waste containers that are provided as part of the film production must at all times be regularly cleaned and maintained in a clean, tidy, sanitary and hygienic condition.
- (ah) Waste containers that are provided as part of the operation of the film production must be designed and constructed to prevent access to pests and to be easily and effectively cleaned and disinfected.
- (ai) All waste (including waste water) generated as part of the operation of the film production must be disposed of in a safe and sanitary manner and in accordance with the *Environmental Protection Act 1994* and the *Water Act 2000*.
- (aj) All waste generated as part of the operation of the film production must be disposed of in a manner which maintains the operation of the film production and its surrounds in a clean, tidy, sanitary and hygienic condition.
- (ak) All waste water generated during or from the operation of the film production must be discharged safely to the sewerage system or an on-site sewerage facility.
- (al) Trade waste from the operation of the film production must be disposed of in accordance with a permit under the *Water Act 2000*.
- (am) Waste generated as part of the operation of the film production must be kept so as not to attract pests.

- (an) Waste from the operation of the film production must not be disposed of into the stormwater system, waters or a watercourse.
- (ao) Waste must not be incinerated.
- (ap) Adequate sanitary conveniences must be provided.
- (aq) Adequate fire fighting equipment must be provided at all times during the operation of the film production.
- (ar) Adequate car parking must be provided for all persons involved in the operation of the film production.
- (as) The operation of the film production must not—
 - (i) create a traffic problem; or
 - (ii) increase an existing traffic problem; or
 - (iii) detrimentally affect the efficiency of the existing road network.
- (at) If the operation of the film production is being carried out on a beach—
 - (i) the operation of the film production must not be carried out within 200 metres of a bathing area; and
 - (ii) the person operating the film production must liaise with a lifeguard prior to carrying out the activity; and
 - (iii) any vehicle used to carry equipment onto the beach must exit the beach immediately after the equipment is unloaded and must not return to collect the equipment until filming is completed, unless otherwise approved by an authorised person; and
 - (iv) any sand dunes that are damaged as a result of the operation of the film production must be reprofiled and revegetated at the cost of the holder of the licence and to the satisfaction of the local government.
- (au) Any premises, building, structure, vehicle, facility and equipment which is part of the operation of the film production the subject of the licence must not be changed in any respect without the prior notification of the local government and the approval of an authorised person.
- (av) Any building or structure that forms part of the operation of the film production must comply with the *Building Act 1975* and the *Building Regulation 2006*.
- (aw) The operation of the film production must comply with the *Environmental Protection Act 1994, Environmental Protection (Water)*

Policy 1997, Environmental Protection (Noise) Policy 1997, Environmental Protection (Air) Policy 1997 and the Environmental Protection (Waste Management) Regulation 2000.

- (ax) A person, other than a security guard, must not camp overnight on the approved premises.
- (ay) The approved premises must be left in a clean and tidy condition at the end of the operation of the film production.
- (az) The operation of any prescribed activity as part of the operation of the film production the subject of this licence must be the subject of a separate licence under *Local Law No. 16 (Licensing) 2008*.
- (ba) The operation of the film production must be adequately managed to ensure compliance with *Local Law No. 16 (Licensing) 2008*, the relevant subordinate local law and the licence conditions.
- (bb) The operation of the film production must not breach a provision of a local law or a subordinate local law.
- (bc) The operation of the film production must comply with—
 - (i) any relevant development approval; and
 - (ii) the provisions of the planning scheme and any relevant planning scheme policy.

Part 3 Enforcement

9 Records to be kept

For the purpose of section 17(2)(b) (Inspection of prescribed activity) of *Local Law No. 16 (Licensing) 2008*—

- (a) records must be kept by the person operating the film production; and
- (b) the records must contain details of—
 - (i) the waste transporter; and
 - (ii) material safety data sheets for all hazardous material stored on the premises; and
 - (iii) any public liability insurance policies relating to the operation of film production; and
- (c) the records must be kept for a period of 7 years.

10 Inspection monitoring or management program

For the purpose of section 17(4)(b) (Inspection of prescribed activity) of *Local Law No. 16 (Licensing) 2008*, the person operating the film production must (unless otherwise required by the local government) maintain—

- (a) a noise management program; and
- (b) a waste management program.

Schedule Dictionary

section 4

approved premises means premises used for film production, the operation of which has been licensed pursuant to *Local Law No. 16 (Licensing) 2008*.

approved water source means a potable water source approved by the local government and may include a nominated reticulated water delivery point and a recognised water source.

bathing area has the meaning given in *Local Law No. 30 (Bathing Reserves) 2004*.

contaminant has the meaning given in the *Environmental Protection Act 1994*.

dangerous good has the meaning given in *Dangerous Goods Safety Management Act 2001*.

development approval has the meaning given in the *Integrated Planning Act 1997*.

domestic purposes means the purposes of—

- (a) human consumption; or
- (b) food preparation; or
- (c) washing; or
- (d) other normal domestic duties.

environment has the meaning given in the *Integrated Planning Act 1997*.

hazardous material means a substance which—

- (a) because of its chemical, biochemical, microbiological or radiological properties, temperature or state of compression could in sufficient concentration cause—
 - (i) harm to human health and safety or personal injury; or
 - (ii) property damage; or
 - (iii) environmental harm or environmental nuisance; and
- (b) includes—
 - (i) a hazardous substance; and

- (ii) a dangerous good; and
- (iii) a scheduled poison.

hazardous substance has the meaning given in the *Workplace Health and Safety Regulation 1997*.

lifeguard has the meaning given in *Local Law No. 30 (Bathing Reserves) 2004*.

on-site sewerage facility has the meaning given in the *Plumbing and Drainage Act 2002*.

pest includes vermin and insects.

planning scheme policy has the meaning given in the *Integrated Planning Act 1997*.

potable water means water that is acceptable for human consumption.

public place has the meaning given in *Local Law No. 7 (Council Property and Other Public Places) 2008*.

recognised water source means a source of water recognised in writing by the local government as—

- (a) complying with the Australian Drinking Water Guidelines prepared by the National Health and Medical Research Council and the Agricultural Resources Management Council of Australia and New Zealand; or
- (b) being suitable for domestic purposes.

sanitary convenience has the meaning given in the *Environmental Protection Act 1994*.

scheduled poison has the meaning given in the *Standard for the Uniform Scheduling of Drugs and Poisons*.

sewerage system has the meaning given in the *Plumbing and Drainage Act 2002*.

State-controlled road has the meaning given in the *Transport Infrastructure Act 1994*.

stormwater system has the meaning given in *Subordinate Local Law No. 7.5 (Business on Public Places other than Council Facilities) 2008*.

vermin means rats, mice, guinea pigs and other rodents capable of carrying or transmitting a notifiable disease, but does not include a protected animal within the meaning of the *Nature Conservation Act 1992*.

waste has the meaning given in *Local Law No. 8 (Public Health, Safety and Amenity) 2008*.

waste container means a weatherproof container for the storage of waste that—

- (a) is vermin proof; and
- (b) can be readily cleaned; and
- (c) is constructed of durable material; and
- (d) is non-reactive with the intended contents; and
- (e) is leakproof; and
- (f) minimises the loss of material into the environment.

waste water means a liquid waste.

watercourse has the meaning given in *Water Act 2000*.

waters has the meaning given in *Local Law No. 8 (Public Health, Safety and Amenity) 2008*.

water source means the source from which water is obtained.