

# **GOLD COAST CITY COUNCIL**



## **LOCAL LAW No. 18**

**(SAFETY AND CONVENIENCE, DANGEROUS GOODS  
AND QUARRYING)**

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**AND QUARRYING)**

**Citation**

1. This local law may be cited as Gold Coast City Council Local Law No.18 (Safety and Convenience, Dangerous Goods and Quarrying).

**Objects**

2. The objects of this local law are to:-
  - (a) protect the environment, public health, safety and convenience, by eliminating or reducing nuisances resulting from:-
    - (i) flammable substances or combustible materials and fires
    - (ii) burning rubbish, offensive substances and fireworks
    - (iii) unsightly goods or growth and other atmospheric pollutants
    - (iv) throwing or discharge of stones or other missiles
    - (v) potentially dangerous thing or substances
  - (b) explosives are used in accordance with appropriate safety standards; and
  - (c) the use of explosives does not result in –
    - (i) personal injury or property damage; or
    - (ii) environmental harm

**Definitions**

3. In this local law

“Area” - the City of Gold Coast.

“AS” - Australian Standard Code of Practice.

“Authorised Person” – means a person authorised by the Council to exercise the powers of an authorised person under this Local Law.

“Blasting” – The detonation of any explosive or explosives and without limiting the generality of the foregoing including the detonation of fireworks.

“Explosive” - Explosive within the meaning of the Explosives Act 1952.

“Licensed Shotfirer” - A person who holds a shotfirer’s license issued under the Explosives Act 1952-1981.

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“Proprietor”, when used in relation to a whirligig or swing or a shooting range or gallery, includes any person who, either on his own behalf or on behalf of any other person, lets for hire, or causes or suffers to be used or let for hire or reward such whirligig or swing or such shooting range or gallery, or any seat or place in or upon such whirligig or swing or any firearms in such shooting range or gallery.

“Shooting range or gallery” means a shooting range or gallery within the Area to which the public or a gallery within the Area to which the public are admitted with or without payment, and in which firearms are used or let out for hire.

“Street” -includes land owned by or under the control of the Council, whether such land is in fact used as a thoroughfare or not.

“The Act” - The Explosives Act 1952 as from time to time amended or re-enacted

“ Whirligigs” and “swings”, respectively mean a whirligig or swing which is driven by steam or other mechanical power, and is erected, fixed, or set up within the area and used or let for hire or reward and include every device by which a rotary, swinging, or oscillating movement or combination of such movements is given to any part thereof wherein or whereon persons may ride or be carried or driven and used or let or intended so to be as aforesaid.

**Inflammable substances not to be stacked in the open air**

4. No owner or occupier of vacant land shall place, or cause or permit to be placed, or suffer to remain in the open air on such land, any cases or crates packed with straw or any other inflammable material.

Maximum Penalty Units: 10 Penalty Units

**Or near roads and buildings**

5. No person shall make or keep to be made or kept on any land any stack of hay, straw, or other inflammable material within a distance from any building of less than eighteen (18) metres or within a distance from any road or right-of-way or any adjoining land of less than six (6) metres unless such stack is kept within a building completely covered in by a roof and enclosed as to all the sides thereof by walls of stone, iron, brick, or concrete.

Maximum Penalty Units: 10 Penalty Units

**Fire or combustible materials etc.**

6. No person shall light, place, or permit to be lit or placed, in any house, yard, workshop, or any other premises, any fire, gunpowder, or combustible or inflammable materials of any kind in such a manner as that any adjacent building or premises might be endangered.

Maximum Penalty Units: 10 Penalty Units

**Live cinders and ashes**

7. No owner or occupier of any premises shall deposit or keep, or suffer to be deposited or kept, any live cinders or ashes, or any oily cotton waste, whether within or without any building, save in a receptacle constructed of iron or other fire-resisting material.

Maximum Penalty Units: 10 Penalty Units

**Chimney catching fire**

8. (1) No person shall allow the chimney of any building to become so foul so as to be likely to catch fire.
- (2) No person shall set or cause to be set on fire any chimney of any building.

Maximum Penalty Units: 10 Penalty Units

**Open fires**

9. No person shall light or cause to be lit any fire at any time in the open air within the distance of thirty (30) metres from any building or fence, and no person shall burn any shavings, rubbish, or other matter in any place not properly and sufficiently constructed for the purpose, or in any case between sunset of any day and seven o'clock a.m. of the following day.

Maximum Penalty Units: 10 Penalty Units

**Fires in streets**

10. (1) A person shall not, without a permit from the Council, light a fire in or on any street or otherwise burn any matter or thing in or on any street, except in such position and manner as may be necessary in the course of work being lawfully carried out in such street.
- (2) Notwithstanding anything hereinbefore contained, a person shall not light a fire in or on a street so as to injure or damage such street or any of the materials of which it is constructed, or any pipe, main, conduit, appliance, work, or thing lawfully in, on, or under such street.

Maximum Penalty Units: 10 Penalty Units

**Burning rubbish and offensive substances**

11. (1) No person shall, without a permit from the Council, burn or allow to be burnt, any shavings, rubbish, or other material or thing in any road, or within four point five (4.5) metres of any road, so as to be likely to be dangerous or cause danger or annoyance or inconvenience to persons using the road. No fee shall be payable for any such permit.
- (2) No person shall burn or allow to be burnt any rags, bones, rubber clippings, or parings of leather, or any offensive substance of any kind whatsoever, or

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roast any tarred stone or metal so that the same may be offensive to the inmates of any adjacent building, or to persons using any road, or in any case between sunset of any day and seven o'clock a.m. of the following day.

- (3) No person shall burn or allow to be burnt any combustible or inflammable trade wastes or refuse otherwise than in an approved incinerator. The term "incinerator" shall include the firebox or furnace of any heat or steam producing apparatus on the premises.

Maximum Penalty Units: 20 Penalty Units

### **Unsightly Goods or Growth**

- 12.** (1) Where there is on any land any goods or materials or growth of grass, weeds, undergrowth, vegetation or other matter of any kind which in the opinion of an Authorised Person is unsightly or not in accordance with amenity of the locality or to afford or form, or is likely to afford or form harbourage or shelter or attraction for rats or other vermin or would in the near future in the event of same catching fire be a danger to the buildings or fences upon such land or upon the land of adjoining owners, an Authorised Person may, by notice in writing, require the occupier of the land, or where there is no occupier, the owner, or upon both the owner and the occupier to re-arrange and stack or remove such goods or materials from the land or to cut and remove such grass, weeds, undergrowth, vegetation or other matter of any kind as the case may be in such manner as may be directed in such notice.
- (2) If the owner or occupier fails to comply with the notice issued, within the time specified, he shall be guilty of an offence against the provisions of this Local Law and shall be liable to a penalty. Moreover, upon such failure an Authorised Person may forthwith enter upon the land, or specified part thereof, and expend such sums of money as he may deem expedient to carry out the work specified in the notice which may be to carry out the work specified in the notice which may be dealt with by employees of the Council or by independent contractors. The expenses incurred by an Authorised Person shall be a charge upon the land and shall be recoverable in the same manner as by the *Local Government Act 1993* rates due and in arrear may be recovered from the owner of rateable land: Provided always that the Council shall have no right of recovery as aforesaid against the owner of the land, unless he is also the occupier thereof, if notice has not been served upon him.

Maximum Penalty Units: 10 Penalty Units

### **Causing False Alarms of Fire**

- 13.** No person shall at any time light or keep burning any fire or burn any rubbish or other materials, or operate any forge, furnace, suction gas generator or the like so as to cause unnecessary or unreasonable volumes of flames or smoke, or in such a manner or under such circumstances as to be likely to lead any person to reasonably conclude that property is being destroyed by fire or to reasonably give an alarm of fire.

Maximum Penalty Units: 10 Penalty Units

### **Preventing the Escape of Gas**

- 14.** No occupier of any building or land shall permit or suffer the escape of gas from any gas pipe, gas meter or gas burner in or upon such building or land.

No person shall cause or permit the escape of gas from any gas pipe, gas meter or gas burner within the town.

In this local law "gas" includes coal gas, carbide of calcium gas and carbon monoxide.

Maximum Penalty Units: 10 Penalty Units

### **Throwing stones, etc.**

- 15.** (1) No person shall, to the damage or danger of any person or property, or to the annoyance or disturbance of any person, or property, or to the annoyance or disturbance of any person, throw or discharge any stone or other missile into, upon, against any building, or throw or discharge any stone or other missile, or use any catapult.

No person shall trundle any hoop or fly any kite in or upon, across, or over any road to the inconvenience or annoyance of any person.

- (2) No person shall throw or discharge any stone or other missile or whatever kind, in, into, over, or across any street.

Maximum Penalty Units: 10 Penalty Units

### **Flying Kites**

- 16.** (1) No person shall fly, or attempt to fly, any kite upon, from, across, or over any street.

- (2) No person shall fly, or attempt to fly, any kite from such a position or in such a manner that such kite or any of its appurtenances (a) is or are within a distance of thirty (30) metres from any electric line, or (b) might touch or otherwise interfere with any electric line.

The term "electric line" shall mean and include any wire or wires, conductor, or other means used or intended to be used, for the purpose of conveying, transmitting, transforming, or distributing electricity, or any apparatus connected therewith for the purpose of conveying, transmitting, transforming, or distributing electricity.

Maximum Penalty Units: 10 Penalty Units

### **Internal combustion engines**

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- 17.** (1) Neither the owner nor any other person shall erect, install, set up, or cause or permit or suffer to be erected, installed, or set up on any premises in the City, any internal combustion engine unless the owner of such engine holds in his own name a license in respect of such erection, installation, or setting-up granted to him by the Council.
- (2) Neither the owner nor any other person shall use or operate, or cause or permit or suffer any other person to use or operate, any internal combustion engine erected, installed, or set up on any premises in the City unless the owner of such engine holds in his own name a license from the Council in respect of such engine.
- (3) Any person who desires to obtain a license under this local law shall make application in writing to the Council. Every application shall state the horse-power, type, the purpose for which the engine is to be used, the kind of fuel which will be used for such engine, and the hours during which it is intended to operate such engine.
- (4) A license to effect, install, set-up, or use or operate an internal combustion engine shall not be granted if in the opinion of the Council the use or operation of such engine would or is likely to cause a nuisance. A license may be granted subject to the condition that the engine shall not be used or operated between the hours of 10.00 p.m. and 7.00 a.m., or subject to such conditions as the Council thinks fit.
- (5) Neither the owner nor any other person shall use or operate an internal combustion engine erected, installed, or set-up in pursuance of a license granted under this local law contrary to any of the conditions set out in the license in respect of such engines.

Maximum Penalty Units: 10 Penalty Units

**Wells to be covered**

- 18.** Every occupier, or if there is no occupier then every owner, who has a well, underground tank, or cistern on his premises shall securely cover or fill in the same; in addition to any other penalty the Council may cause the necessary work to be performed at the expense of the owner in cases where this local law is not being observed.

Maximum Penalty Units: 10 Penalty Units

**Flower pots**

- 19.** No person shall fix or place any flower pot or other article in any window in any wall abutting on any road, or upon the railing or ledge of any veranda or awning over any road unless the same is sufficiently guarded from falling or being thrown or pushed or knocked down.

Maximum Penalty Units: 10 Penalty Units

**Carrying dangerous implements**

20. No person shall carry any timber, metal, tools, implements, furniture, or material upon or along any footway in such a manner as to be dangerous or an annoyance to or interfere with persons using or desiring to use such footway.

Maximum Penalty Units: 10 Penalty Units

**Insecure slates, tiles, etc.**

21. An Authorised Person may order the owner or occupier of any building to remove or repair any chimney, cowl, pot, iron, tiles, slates, shutter, or other article or thing in the roof or any other part of such building which if it fell might cause danger and on failure so to do, such owner or occupier shall be guilty of an offence, and, in addition, an Authorised Person may cause the necessary work to be done at the expense of such owner or occupier.

Maximum Penalty Units: 10 Penalty Units

**Throwing Down Slates etc.**

22. No person shall throw or cast upon any road from the roof or any part of any building any slate brick, stone or shingles or any wood, rubbish or other material or thing whatsoever.

Maximum Penalty Units: 10 Penalty Units

**Loose Wire on Roads**

23. No person shall cast, throw or leave or allow to remain upon any road or street or the boundary thereof or on any land under the control of the Council, any loose barbed or plain wire of any description.

Maximum Penalty Units: 10 Penalty Units

**Barbed Wire Fences**

24. Except in rural areas no person shall erect or maintain any barbed wire or other dangerous fence adjacent to any road or land under the control of the Council.

Maximum Penalty Units: 10 Penalty Units

**Removal of Barbed Wire Fences**

25. If, at the time of publication of these local laws in the Gazette, there is upon any land within the City any such fence as aforesaid, and the owner or occupier of such land does not, immediately after notice from an Authorised Person to remove such

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barbed wire or other dangerous part of such fence has been given to him, remove the same, he shall be guilty of an offence, and in addition, an Authorised Person may cause the same to be removed at the expense of the owner or occupier.

Maximum Penalty Units: 10 Penalty Units

**Dispensing with Application of Last Two Preceding Sections in Certain Cases**

26. The Council may, by resolution, dispense with the application of the last two preceding Sections in respect of any lands within the City, defined by the Council in that behalf, so far as to permit of the erection or maintenance of a fence having one or more strands of barbed wire.

**Bottles etc. Not to be Deposited on Roads**

27. No person shall deposit or leave on any road within the town any glass bottle, whether broken or not, or wood with projecting nails thereon, or any other substance or thing which could cause injury or damage to persons or traffic thereon.

Any person committing a breach of this local law shall be liable to a penalty.

Maximum Penalty Units: 10 Penalty Units

**Defacing Property, etc.**

28. No person shall in any road injure, deface or remove any door plate, number plate, bell, knocker, lamp, signboard or fire alarm nor shall disturb or annoy any inhabitant by ringing any door bell or knocking at any door or give or ring a false alarm.

**Dangerous or Unsightly Structures**

29. (1) All owners or occupiers of premises shall keep their premises and all buildings and structures thereon in a state of good repair to the satisfaction of the Council.
- (2) Any building which has been so damaged by fire, flood, tempest or other happening as to be dangerous or a menace or which is unsightly by reason of such damage, shall, within fourteen days after the building has become so damaged, be so dealt with by the owner to the satisfaction of the Council that it will no longer be a danger or a menace or unsightly.

The debris occasioned by such damage shall be removed from the site within twenty-eight days of the occurrence of such fire, flood, tempest or other happening.

- (3) The Authorised Person may, when authorised by resolution of the Council, order the owner or occupier of any premises to remove or repair any dangerous or unsightly awning, accumulation of poles, timber, rubbish or other material and on failure so to do such occupier or owner shall be guilty

of an offence and, in addition, the Authorised Person may cause such removal or repair to be done at the expense of such owner or occupier.

### **Duties of Proprietor of Whirligig or Swing**

**30.** Every proprietor of a whirligig or swing shall:-

- (1) Cause such whirligig or swing to be so placed as to have about it a clear space the distance across which, measured upon the ground from the outermost point covered by such whirligig or swing or which such whirligig or swing may at any time overhang, shall in every part be equal at least to the greatest height of such whirligig or swing plus one point two (1.2) metres;
- (2) Cause such whirligig or swing to be erected in a proper manner and every part thereof to be carefully and securely fixed;
- (3) Cause every part of such whirligig or swing and of the apparatus for driving the same to be maintained at all times in good repair and condition, and to be under proper management and control; and
- (4) Cause such whirligig or swing, if in motion, and if any person riding in or upon such whirligig or swing is ill or desirous of alighting therefrom to be stopped as quickly as may be practicable for the purpose of allowing such person to alight or to be removed from such whirligig or swing.

Maximum Penalty Units: 40 Penalty Units

### **Duties of Person in Charge**

**31.** The proprietor and the person for the time being having the management or control of a whirligig or swing or of the apparatus for driving the same, or of any part of such whirligig or swing or of such apparatus, shall in the exercise of such management or control take all reasonable and proper care so as to prevent danger from such whirligig or swing.

He shall not cause or suffer such whirligig or swing to be driven at any greater speed than is consistent with safety, having regard to the age and sex of any person riding in or upon such whirligig or swing, and to all other circumstances attending or affecting the use of such whirligig or swing.

He shall not cause or suffer any person to enter or mount upon such whirligig or swing at any time when such whirligig or swing is already occupied by the full number of persons for whose accommodation such whirligig or swing is constructed or intended or adapted to be used; or when it is in motion.

Maximum Penalty Units: 40 Penalty Units

### **Duties of other persons**

**32.** No person shall -

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- (1) Enter or mount upon, or seek to enter or mount upon, any whirligig or swing, or any part thereof at any time when such whirligig or swing or such part thereof, is in motion, or is already occupied by the full number of persons for whose accommodation such whirligig or swing or part thereof is constructed.
- (2) Interfere with the due management and control of such whirligig or swing, or with the apparatus for driving the same, or with any fastening, fitting, or appliance connected with such whirligig or swing with such apparatus; or
- (3) Otherwise do any act which may cause danger from such whirligig or swing or to any persons in or upon or in the vicinity of such whirligig or swing.

Maximum Penalty Units: 40 Penalty Units

**Duties of proprietor of shooting range or gallery**

**33.** The proprietor of a shooting range or gallery shall -

- (1) Cause the several parts of such shooting range or gallery to be properly put together and securely fixed;
- (2) Cause every part of such shooting range or gallery within, along, or towards which it may be intended that any firearms shall be discharged to be constructed of iron of such strength and thickness as is sufficient to resist any missile or projectile that may be discharged from such firearms;
- (3) Cause the mode of construction of such shooting range or gallery to be such that no missile or projectile that may be discharged from any firearm used therein can escape from such shooting range or gallery, if such firearm, at the moment of discharge, is pointed, as required by the local laws, towards any target or mark that may be within such shooting range or gallery;
- (4) Cause every part of such shooting range or gallery within, along, or towards which it may be intended that any firearm shall be discharged to be maintained at all times in good repair and condition to the satisfaction of the Council.
- (5) Cause such shooting range or gallery, at all times, when the public are admitted thereto, to be under the management and control of a sufficient number of competent persons;
- (6) Cause the letting to hire and use by any person of any firearm in such shooting range or gallery to be under the management and control of a competent person directly responsible therefor.

Maximum Penalty Units: 40 Penalty Units

**Duties of a person in charge**

**34.** (1) The proprietor and the person for the time being having the management or

control of a shooting range or gallery, or any part thereof, shall, in the exercise of such management or control, take all reasonable and proper care to prevent danger from the use of firearms in such shooting range or gallery.

- (2) No person, having in pursuance of the local law the management and control of the letting to hire or use by any person of any firearm in a shooting range or gallery, shall at any time cause or suffer to be used in such firearm any greater charge than is consistent with safety, or cause or permit any such firearm, when loaded or being loaded, to be pointed otherwise than towards any target or mark that may be within such shooting range or gallery, or suffer any loaded firearm to be taken out of such shooting range or gallery.
- (3) Every person shall obey the commands of any members of the Police Force, or of an Authorised Person or any other officer of the Council in regard to the management and control of such shooting range or gallery.

Maximum Penalty Units: 40 Penalty Units

#### **Duties of other persons**

- 35.**
- (1) A person hiring or using any firearm in a shooting range or gallery shall not, while such firearm is loaded or being loaded, cause such firearm to be pointed otherwise than towards any target or mark that may be within such shooting range or gallery and shall not take any loaded firearm out of such shooting range or gallery.
  - (2) A person shall not in a shooting range or gallery so conducts himself as to cause danger in connection with the use of any firearm in such shooting range or gallery.
  - (3) No person shall interfere with the due management and control of the letting to hire and use by any persons of any firearm in a shooting range or gallery, or with any shield, fastening, or fitting to secure or contribute to the safe use of firearms therein.

Maximum Penalty Units: 40 Penalty Units

#### **Fencing open spaces in front of buildings**

- 36.** The occupier, or if there be no occupier the owner, of any building or premises having an entrance, area, garden, or other space, adjoining any footway or any road where there is no footway, beneath the level of the kerbstone or exterior edge of such footway or road, and every occupier, or if there be no occupier the owner, of any land which is beneath or above the level of the kerbstone or exterior edge of the footway or road, shall protect and guard the same by good and sufficient rails and fences or other enclosure so as to prevent damage or accidents, but shall not erect the same on the footway or road.

Every such occupier or owner of any such building or premises having any steps adjoining the footway of any road shall in like manner protect and guard the same by rails or other enclosure so as to prevent danger to traffic.

Maximum Penalty Units: 40 Penalty Units

### **Tar boilers**

37. All boilers, tanks, or receptacles used for the storage of tar shall be fitted with stout, flat, iron lids, either hinged to the framework of the receptacle or kept suspended over the same in such a manner that in case of danger from fire the lid can be instantly placed or lowered so as to effectually close the receptacle.

Maximum Penalty Units: 40 Penalty Units

### **Use Of Explosives**

38. Interpretation.

- (1) Reference to an Act or Regulation or an Australian Standard Code of Practice shall be deemed to be a reference to that Act Regulation or Code as from time to time amended or re-enacted. Terms used in these local laws which are defined in the Act have the same meaning as they have in the Act. Person includes corporation.
- (2) Forms.
  - (a) The Forms set forth in the Schedule to these local laws shall be completed in accordance with the directions printed thereon and used for the purposes for which they are respectively applicable: Provided that no such form shall be deemed invalid if it contains such omission or such modification as in the opinion of the Authorised Person may be required by the particular circumstances.
- (3) No blasting without permit. A person shall not within the Area carry out any blasting or permit or allow or cause any blasting to be carried out unless there is in force at the material time in respect of that blasting a permit issued pursuant to these local laws.

Maximum Penalty Units: 20 Penalty Units

- (4) An application for a permit -
  - (a) Shall be made to the Authorised Person and shall be delivered to an office of the Council;
  - (b) Shall be in Form 1 of the Schedule hereto;
  - (c) Shall be made not less than seven (7) days prior to the time when blasting is to be carried out, provided however, that the Authorised Person may receive and consider an application made less than seven (7) days prior to the time when blasting is to be carried out and issue a permit where he is satisfied that special circumstances exist which justify the late application and the issuing of the permit;

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- (d) shall be accompanied by the appropriate fee, which shall be determined from time to time by resolution of the Council.
- (5) Permit.
  - (a) Subject to these local laws, the Authorised Person shall consider each application and may issue a permit or refuse to issue a permit.
  - (b) The Authorised Person shall not issue a permit -
    - (i) where he has not been satisfied that the applicant is the holder of shotfirer's license or a shotfirer's (restricted) license: or where he is of the opinion that the applicant is not a fit and proper person to undertake the proposed blasting;
    - (ii) where he is of the opinion that the proposed blasting cannot be carried out without risk to life or damage to property, or where such blasting may cause serious discomfort to persons in the vicinity; or
    - (iii) the applicant has failed to produce evidence of public liability insurance as required by Section 9 hereof.
  - (c) An applicant who feels aggrieved by the refusal of the Authorised Person to issue a permit or by a condition imposed by the Authorised Person may, within fourteen days of such refusal, refer the matter in writing to the Council for review setting out the facts and circumstances on which he relies and the Council shall, after considering the matter, affirm very or rescind the decision of the Authorised Person.
  - (d) A permit shall be in Form 2 of the Schedule hereto with such modifications if by as in the opinion of the Authorised Person are necessitated by the circumstances.
- (6) Conditions of permit.
  - (a) Every permit issued pursuant to these local laws shall be subject to the following conditions:-
    - (i) explosives shall be carried, stored and used in accordance with the requirements of the Explosives Act 1952.
    - (b) where the permit defines the maximum quantity and type of explosive which may be used in any charge in a given type of rock or earth formation, a greater quantity or different type shall not be used in that charge without the prior written approval of an Authorised Person;
    - (c) where quantity and/or type of explosive have been defined in the permit an Authorised Person shall be notified immediately of any change in the nature of rock or earth formation encountered during permitted blasting operations which, in the opinion of the licensed shotfirer, could require a change to the quantity or type of explosive

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used and blasting shall be suspended until such notification has been given. On receipt of such advice, an Authorised Person may amend the permit to blast as he sees fit;

- (d) when an accident causing injury or damage to any person or property occurs during or as a result of any blasting the holder of the permit shall ensure that the place where the accident occurred is not interfered with except to the extent necessary to save life or relieve suffering or to prevent further damage to property and shall forthwith inform by the quickest means of communication available and as soon as practicable thereafter in writing -
- (i) the Authorised Person;
  - (ii) the Chief Inspector of Explosives; and
  - (iii) the Officer in Charge of the Police Station nearest to the location of the accident;
- (e) charging shall not be commenced unless it is practicable to complete the charging and firing on the same day. If, due to any circumstances including a misfire, it is not possible to complete the firing of any charge on the day in which it was placed and within the hours prescribed, the holder of the permit shall -
- (i) ensure that a person is left in attendance at charged holes until the blasting is about to be completed and arrange for such sign-posting, flagging and lightings as may be required for the safety of persons and property;
  - (ii) take such other steps as are necessary to prevent the charges being tampered with by an unauthorised person;
  - (iii) forthwith notify an Authorised Person by the quickest means of communication available;
  - (iv) obtain the approval of an Authorised Person for the action proposed under paragraph (ii) above and observe the directions of an Authorised Person in relation thereto;
- (f) all necessary precautions shall be taken to prevent the flight of fragments, to prevent damage to property or injury to persons, and to prevent any member of the public on any adjacent land or thorough fare, whether public or private, from being exposed to danger;
- (g) in the excavation of rock on any land, a person shall not use an explosive charge within three metres of the boundary of such land:

Provided that where an Authorised Person is of the opinion that blasting may be carried out within three metres of such boundary without increasing the risk of damage to property or injury to persons, he may grant approval and may subject his approval to such conditions as he thinks fit which conditions shall be endorsed on the permit;

- (h) a person shall not carry out blasting unless he holds a Shotfirer's License, a Shotfirer's (Restricted) License or an appropriate Permit or

to exempted from the necessity to hold such a License or Permit under the provisions of the Explosives Act 1952.

- (i) A permit issued pursuant to these local laws shall, in addition to the conditions set out in Section 6(1), be issued subject to such further conditions (if any) as are endorsed on the permit and any direction, approval or consent given by an Authorised Person with respect to any blasting shall be endorsed as a further condition.
- (j) A person shall not contravene or fail to comply with any condition to which a permit is subject.

Maximum Penalty Units: 20 Penalty Units

### **Prohibited Hours of Blasting**

- 39.** A person shall not carry out blasting before 7.30 a.m. or after 5.00 p.m. on any day or at any time on Saturdays, Sundays or Public Holidays except where an Authorised Person gives his written approval to do so where he is satisfied that special circumstances exist.

Maximum Penalty Units: 20 Penalty Units

### **Suspense or Cancellation of Permit**

- 40.** (1) An Authorised Person may cancel or suspend a permit granted pursuant to these local laws, if:-
- (a) the permit was issued in error or granted in consequence of any false or fraudulent document, statement or representation;
  - (b) the holder of the permit fails to comply with a condition thereof; or
  - (c) an Authorised Person is of the opinion that, by reason of the manner in which the holder of the permit conducts himself in the exercise of the authority thereby conferred on him or by reason of any other fact or circumstance, the holder is not a fit and proper person to hold the permit. A cancelled permit shall be returned forthwith by the holder to an Authorised Person.
- (2) Where a permit is suspended the period of suspension shall be endorsed on the permit by an Authorised Person.
- (3) A permit holder who feels aggrieved by the cancellation or suspension of his permit may, within fourteen days of such cancellation or suspension, refer the matter in writing to the Council for review setting out the facts and circumstances on which he relies and Council shall, after considering the matter, affirm, vary or rescind the decision of an Authorised Person.

### **41. Public Risk Insurance**

*Gold Coast City Council*  
*Local Law No. 18 (Safety and Convenience, Dangerous Goods*  
*And Quarrying)*

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- (1) Prior to a permit being issued by an Authorised Person under these local laws, the person to whom the permit is being issued shall produce documentary evidence that a current public risk insurance policy exists in his name insuring himself against all claims for personal injuries or damage to property which may be a result of consequence of any blasting including personal injuries or damage to property caused by vibrations.
- (2) The amount of cover shall not be less than the amount if any determined from time to time by resolution of the Council but otherwise shall be assessed by an Authorised Person.

**42. Duty of Permit Holder**

The person to whom the permit is issued shall personally carry out the blasting in respect of which the permit is issued or where any other person performs the blasting, ensure that the person who carries out such blasting does not contravene or fail to comply with any of the provisions of these local laws.

Maximum Penalty Units: 20 Penalty Units

**Smoke Free Environment**

- 43.**
- (1) The Council may, by resolution, prohibit the smoking of tobacco in any form (and whether pure or mixed with any other substance) upon or in any land or building owned by or under the control of the Council whether as Trustee or otherwise or any defined part of any such land or building.
  - (2) Where the Council resolves by resolution to prohibit the smoking of tobacco as aforesaid upon part of any parcel of land or in part of any building owned or controlled by the Council as aforesaid the resolution shall define such part with sufficient particularity to enable any person to know what part is the subject of the resolution.
  - (3) Whenever the Council resolves to prohibit the smoking as aforesaid, it shall cause a sign (the nature and size of which shall be determined in the resolution, or failing determination therein, shall be determined by an Authorised Person) to be erected in such a position as to be conspicuous and readily observable by all persons likely to enter upon or into the land or building or part of the parcel of land or part of the building the subject of the resolution and the resolution shall become effective on the eighth day after the posting up of such notice.
  - (4) A person shall not smoke tobacco (whether pure or mixed with any other substance) upon or in any land or building or part of a parcel of land or part of a building in respect of which a resolution by the Council prohibiting such smoking has become effective by reason of the application of this local law.

**SCHEDULE**  
**Form 1**  
**Local Government Act 1993**  
**APPLICATION FOR PERMIT TO CARRY OUT BLASTING**

To the Authorised Person,

Council

**DETAILS OF APPLICANT:**

Names in full:

Address:

Age:

Occupation:

Telephone No.:

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**DETAILS OF PERSON WHO WILL CARRY OUT BLASTING:**

Name in full:

Address:

Age:

Occupation:

Telephone No.:

Type of License or permit pursuant to the Explosives Act 1952

No.:

Issued by:

Expiry date:

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**DETAILS OF PUBLIC RISK INSURANCE POLICY:**

Name of Insurer:

Name of Insured:

Amount:

Policy Number:

Expiry Date:

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FORM 2  
Local Government Act 1993  
PERMIT TO CARRY OUT BLASTING

The Holder of this Permit:

Name:

Address:

Is hereby authorised to carry out blasting at

from and including

to and including

19 .

This permit is issued subject to:-

- (a) The conditions set out in the First Schedule hereto; and
- (b) The further conditions (if any) set out in the Second Schedule hereto.

FIRST SCHEDULE

- (a) Explosives shall be carried, stored and used in accordance with the requirements of the Explosives Act 1952 and Regulations thereunder.
- (b) Where the permit defines the maximum quantity and type of explosive which may be used in any charge in a given type of rock or earth formation , a greater quantity shall not be used in any charge without first obtaining the approval of an Authorised Person;
- (c) An Authorised Person shall be notified immediately of any change in the nature of rock or earth formation encountered during the blasting operations which, in the opinion of the licensed shotfirer, could require a change in the quantity or type of explosive used. On receipt of such advice, an Authorised Person may amend the permit to blast as he sees fit;
- (d) When an accident causing injury or damage to life or property occurs during or as a result of any blasting, the licensed shotfirer shall ensure that the place where the accident occurred is not interfered with except to the extent necessary to save life or relieve suffering or to prevent damage to property and shall forthwith inform by the quickest means of communication available and as soon as practicable thereafter in writing -
  - (i) the Authorised Person;
  - (ii) the Chief Inspector of Explosives; and
  - (iii) the Officer in Charge of the Police Station nearest to the location of the accident;
- (e) Charging shall not be commenced unless it is practicable to complete the charging and firing on the same day. If, due to any circumstances including a misfire, it is not possible to complete the firing of any charge on the day in which it was placed and within the hours prescribed, then the licensed shotfirer shall -
  - (i) ensure that a person is left in attendance at charged holes until blasting takes place and where necessary for safety arrange for sign-posting, flagging and lighting;
  - (ii) take such other steps as are necessary to prevent the charges being tampered with by an unauthorised person;
  - (iii) forthwith notify the Authorised Person by the quickest means of communication available;
  - (iv) Obtain the approval of an Authorised Person for the action proposed under paragraph (ii) above.
- (f) All necessary precautions shall be taken to prevent the flight of fragments, to prevent damage to property or injury to persons, and to prevent any member of the public on any adjacent land or thoroughfare, whether public or private, from being exposed to danger;
- (g) In the excavation of rock on any land, a person shall not use an explosive charge within three (3) metres of the boundary of such land:

*Gold Coast City Council*  
*Local Law No. 18 (Safety and Convenience, Dangerous Goods*  
*And Quarrying)*

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Provided that where an Authorised Person is of the opinion that blasting may be carried out within three (3) metres of such boundary without increasing the risk of damage to property or injury to persons, he may grant approval and may subject his approval to such conditions as he thinks fit which conditions shall be endorsed on the permit.

- (h) A person shall not carry out blasting unless he holds a Shotfirer's License, a Shotfirer's (Restricted) License or an appropriate Permit or is exempted from the necessity to hold such a License or Permit under the provisions of the Explosives Act 1952.

*Gold Coast City Council*  
*Local Law No. 18 (Safety and Convenience, Dangerous Goods*  
*And Quarrying)*

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SECOND SCHEDULE

Dated at  
this  
day of  
19 .

Authorised Person.

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