

# **Subordinate Local Law No. 8.1**

## **(Public Health, Safety and Amenity) 2008**

**Consolidated version**

**Reprint No. 2**

This and the following 10 pages is a certified copy of the CONSOLIDATED VERSION of  
*Subordinate Local Law No. 8.1 (Public Health Safety and Amenity) 2008*  
made in accordance with the provisions of the *Local Government Act 2009*,  
by the Council of the City of Gold Coast by resolution dated 29 January 2016

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Dale Dickson  
Chief Executive Officer

**Council of the City of Gold Coast  
Subordinate Local Law No. 8.1  
(Public Health, Safety and Amenity) 2008**

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# **Council of the City of Gold Coast Subordinate Local Law No. 8.1 (Public Health, Safety and Amenity) 2008**

## **Part 1 Preliminary**

### **1 Short title**

This subordinate local law may be cited as *Subordinate Local Law No. 8.1 (Public Health, Safety and Amenity) 2008*.

### **2 Authorising local law**

This subordinate local law is made pursuant to *Local Law No. 8 (Public Health, Safety and Amenity) 2008*.

### **3 Object**

The object of this subordinate local law is to assist in the implementation of *Local Law No. 8 (Public Health, Safety and Amenity) 2008* by—

- (a) specifying a fence as a dangerous fence; and
- (b) specifying bridges from which a person may not engage in fishing; and
- (c) specifying acts or omissions in respect of which a nuisance shall be deemed not to exist; and
- (d) ensuring that undertaking a regulated activity does not result in—
  - (i) harm to human health or safety or personal injury;
  - (ii) property damage; and
  - (iii) an unacceptable loss of amenity; and
  - (iv) an adverse impact on the surrounding community.

### **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                      Dangerous fencing

### 5                      Dangerous fencing

For the purposes of the Schedule 2 (Dictionary) of *Local Law No. 8 (Public Health, Safety and Amenity) 2008*—

- (a) a barbed wire fence is dangerous fencing if—
  - (i) the barbed wire fence is directly abutting a park, footpath or road; and
  - (ii) the barbed wire forming part of the barbed wire fence is within 2.0 metres from the ground level of the park, footpath or road; and
  - (iii) the premises on which the barbed wire fence is erected is included in a zone other than the Rural zone or the Rural Residential zone under the local government’s planning scheme; or
- (b) an electric fence is dangerous fencing unless either of the following apply—
  - (i) the electric fence is separated from the boundary of a premises by a second fence which is not dangerous fencing and which is—
    - (A) at least 1.2 metres high; and
    - (B) constructed from material that is sufficient to prevent a person from climbing through the fence or reaching through the fence and touching the electric fence; or
  - (ii) the electric fence is separated from the boundary of a premises by a barrier which, in the opinion of an authorised person, is sufficient to—
    - (A) prevent a person from inadvertently coming into contact with the electric fence; or
    - (B) significantly deter a person from intentionally coming into contact with the electric fence.
- (c) a fence which involves broken glass or nails on the top surface of the fence is dangerous fencing.

## Part 3                      Bridges

### 6                      Bridges

For the purposes of section 6(1)(y) of *Local Law No. 8 (Public Health, Safety and Amenity) 2008*, a person must not engage in fishing from a bridge specified in Table 1 (Bridges).

**Table 1 – Bridges**

Column 1 Name of bridge	Column 2 Description of Bridge
Bermuda Street, Broadbeach Waters – Nerang River Bridge.	Bermuda Street crossing the Nerang River.
Gold Coast Highway – Tallebudgera Creek Bridge.	Gold Coast Highway crossing Tallebudgera Creek.

## Part 4                      Nuisances deemed not to exist

### 7                      Nuisances deemed not to exist

For the purposes of section 7 (Exclusion from liability) of *Local Law No. 8 (Public Health, Safety and Amenity) 2008*, a person does not commit an offence against section 5 (Prohibition of a nuisance) of *Local Law No. 8 (Public Health, Safety and Amenity) 2008* in respect of the placement of materials or objects on a footpath or road if the person has placed the materials or objects on the footpath or the road in accordance with—

- (a) the local government's directions and schedules for collection of the materials or objects, as part of a dedicated kerbside clean up program entered into by the local government; or
- (b) an approval granted under a local law.

*Example—*

A person who has been granted a permit under *Local Law No. 11 (Roads and Malls) 2008* to interfere with a local government road by the placement of materials or objects on a footpath or road does not commit a nuisance.

## Part 5                      Permits

### 8                      Application for a permit

For the purposes of section 17(1)(c)(iv) of *Local Law No. 8 (Public Health, Safety and Amenity) 2008*, unless otherwise specified by the local government an application for a permit must, to the extent applicable, be accompanied by—

- (a) the name, address, telephone number, facsimile number and email address, of the person applying for the permit; and
- (b) the trading name, street address, telephone number, facsimile number, email address, registered business name and Australian Business Number of the business under which the regulated activity is to be carried out; and
- (c) the name, address, mobile telephone number, facsimile number and email address, of the person who will have control of the building site at the times the regulated activity is to be carried out;
- (d) a copy of the licence issued by the Queensland Building and Construction Commission which authorises the person to carry out the building work the subject of the permit application; and
- (e) details of the regulated activity proposed to be carried out, including—
  - (i) the nature of the building work; and
  - (ii) the times and places at which the building work or delivery will be carried out; and
  - (iii) the nature of the building work or delivery proposed to be carried out outside the prescribed times; and
  - (iv) the reasons why it is proposed that the building work or delivery is carried out outside the prescribed times; and
  - (v) the proposed term of the permit; and
- (f) a plan or scale map showing—
  - (i) the location of the premises at which the building work or delivery will be carried out; and
  - (ii) the location (and identifying particulars) of any noise sensitive place that will be exposed to audible noise caused by the building work or delivery outside the prescribed times; and
  - (iii) the location and details (including acoustic levels at the source) of all noise sources from the building work or delivery; and
- (g) any other information required by the local government.

*Example for section 8(g) –*

*Once the local government has considered the location and details of all noise sources provided by the applicant, the local government may require an acoustic report to determine whether the proposed works will have an unreasonable impact on the health, safety or amenity of residents in the locality.*

## 9 Assessment criteria for a permit

For the purposes of Schedule 2 (Dictionary) and section 18(1)(f) of *Local Law No. 8 (Public Health, Safety and Amenity) 2008* the carrying out of a regulated activity must comply with the following assessment criteria—

- (a) the matters which are the subject of the conditions specified in section 11 of this subordinate local law which are relevant to the undertaking of the building work or delivery can be adequately addressed by the imposition of those conditions; and
- (b) the applicant for a permit has obtained any necessary development approval; and
- (c) the building work or delivery will be undertaken on a temporary basis for a specified period of time; and
- (d) the building work or delivery will not cause unreasonable noise in an affected building during the term of the permit; and
- (e) the applicant has demonstrated that it is impractical for the building work or delivery to be carried out within the prescribed times.

## 10 Prescribed criteria for a noise permit

For the purposes of Schedule 2 (Dictionary) and section 18(1)(g) of *Local Law No. 8 (Public Health, Safety and Amenity) 2008* the carrying out of the regulated activity must comply with the following prescribed criteria—

- (a) The applicant must establish and maintain a procedure for taking and managing complaints about noise from the regulated activity carried out outside the prescribed times, which must—
  - (i) provide a 24 hour telephone number for persons to call to make a complaint about the noise caused by the building work or delivery; and
  - (ii) set out the procedure that must be followed by the applicant after the receipt of a complaint to ensure the complaint is adequately addressed; and
  - (iii) require that the local government is notified of any complaint within 24 hours after the complaint is received; and
  - (iv) otherwise be to the satisfaction of the local government.
- (b) the applicant must provide written notification (in the prescribed form) of the commencement of any building work or delivery carried out outside the prescribed times to the following persons, not less than 48 hours prior to the commencement of the building work or delivery—

- (i) the residents or operators of any noise sensitive place exposed to audible noise caused by the building work or delivery; and
  - (ii) the local government.
- (c) signage must be erected at the premises where the building work or delivery is being carried out which clearly identifies—
  - (i) the permit number issued by the local government; and
  - (ii) the dates and times at which the permit authorises the building work or delivery to be carried out outside the prescribed times; and
  - (iii) the 24 hour telephone number for persons to call to make a complaint about the noise caused by the building work or delivery.
- (d) unless a condition of a permit specifies different signage requirements the signage referred to in subsection (c) must –
  - (i) be no larger than 0.6m<sup>2</sup>; and
  - (ii) have letters 50mm in height; and
  - (iii) not be illuminated; and
  - (iv) be securely fixed to fencing or a building and visible from a road; and
  - (v) not project outwards more than 30mm from the fence or building

## 11 Conditions of a permit

For the purposes of section 20(3) of *Local Law No. 8 (Public Health, Safety and Amenity) 2008*, the local government may impose all or any of the following conditions on a permit—

- (a) the regulated activity is to be carried out only at specified times; and
- (b) the regulated activity is to be limited to work of a particular type, or the use of particular equipment, at specified times; and

*Example of paragraph (b)—*

*Work to be carried out at specified times is restricted to work internal to a building, and must not involve the use of pneumatic tools.*

- (c) all reversing beepers and squawkers on vehicles are to be deactivated and spotters used during night-time works to the extent permitted under the *Work Health and Safety Act 2011*; and

- (d) all engines in vehicles or equipment are to be well muffled; and
- (e) no whistles or amplified communication devices are to be used, other than two-way radios; and
- (f) the volume on any communication devices must be kept to a minimum; and
- (g) no radios or other amplified music or entertainment devices are to be used; and
- (h) specified actions must be taken to minimise the impact of the noise generated by the building work or delivery, including, but not limited to the following—
  - (i) the construction and maintenance of noise barriers and enclosures around noisy equipment or along the noise transmission path; or
  - (ii) the implementation of noise reduction measures at noise sensitive places; or
  - (iii) the use of low noise equipment; or
  - (iv) the carrying out of routine maintenance on fans to minimise bearing noise; or
  - (v) the repair and replacement of defective mufflers and equipment; and
- (i) any work involving the emission of high intensity ultraviolet light or the use of a floodlight is to be shielded to protect members of the public; and
- (j) no materials are to be placed in skip bins (or similar) outside the prescribed times; and
- (k) all external doors of the building are to remain closed during the carrying out of the building work; and
- (l) all workers are to be off-site by no later than a stated time; and
- (m) delivery vehicles must not load or unload goods for use on the site outside the prescribed times; and
- (n) prior to the commencement of the building work, the applicant must notify the Queensland Police Service, Emergency Services and the Queensland Department of Transport; and
- (o) the regulated activity must not affect the movement of road traffic; and
- (p) the applicant must comply with the prescribed criteria.

## **12 Changes in circumstances**

- (1) For the purposes of section 21(1)(d) of *Local Law No. 8 (Public Health, Safety and Amenity) 2008*, the changes in circumstances since the permit was granted that make a change desirable include that one or more complaints have been made in respect of the regulated activity being carried out outside the prescribed times by a resident or operator of an affected building.
- (2) For the purposes of section 23(2) of *Local Law No. 8 (Public Health, Safety and Amenity) 2008*, the changes in circumstances since the permit was granted that make the continued operation of the regulated activity inappropriate include that one or more complaints have been made in respect of the regulated activity being carried out outside the prescribed times by a resident or operator of an affected building.

## Schedule Dictionary

section 4

***affected building*** has the meaning given in the *Environmental Protection Act 1994*.

***night-time*** has the meaning given in the *Environmental Protection (Noise) Policy 2008*.

***noise sensitive place*** includes—

- (a) a residential property; and
- (b) a sensitive receptor listed in Schedule 1 of the *Environmental Protection (Noise) Policy 2008*.

***park*** has the meaning given in *Local Law No. 9 (Parks and Reserves) 2008*.

***residential property*** means a building or property of a type that would ordinarily be used, or intended to be used, as a place of residence or mainly as a place of residence and includes short term accommodation.