

Local Law No. 8

(Public Health, Safety and Amenity) 2008

Consolidated version

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by the Council of the City of Gold Coast by resolution dated 29 January 2016

Dale Dickson
Chief Executive Officer

**Council of the City of Gold Coast
Local Law No. 8
(Public Health, Safety and Amenity) 2008**

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Council of the City of Gold Coast

Local Law No. 8

(Public Health, Safety and Amenity) 2008

Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 8 (Public Health, Safety and Amenity) 2008*.

2 Object

The object of this local law is to

- (a) protect public health and safety by eliminating or reducing an act or omission that results in—
 - (i) harm to human health or safety or personal injury; or
 - (ii) property damage or a loss of amenity; or
 - (iii) environmental harm or environmental nuisance.
- (b) permit regulated activities in appropriate circumstances provided that the regulated activity does not result in –
 - (i) harm to human health or safety or personal injury;
 - (ii) property damage;
 - (iii) an unacceptable loss of amenity; and
 - (iv) an adverse impact on the surrounding community.
- (c) prescribe a noise standard for building work under the *Environmental Protection Act 1994*.

3 Definitions—the dictionary

The dictionary in Schedule 2 (Dictionary) of this local law defines particular words used in this local law.

4 Application of local law to a State-controlled road

The powers of the local government under this local law may only be exercised in relation to State-controlled roads with the written permission of the chief executive of the Department of Transport and Main Roads.

Part 2 Nuisances

5 Prohibition of a nuisance

A person must not do any act or omit to do any act which causes a nuisance.

Maximum penalty—50 penalty units.

6 Commission of a nuisance

(1) For the purposes of section 5 (Prohibition of a nuisance) of this local law, a nuisance is deemed to exist if—

- (a) an object or material (other than a plant) on the premises—
 - (i) has been carried away by the wind or fallen and has caused—
 - (A) harm to human health or safety or personal injury; or
 - (B) property damage or a loss of amenity; or
 - (ii) is likely in the authorised person’s opinion to—
 - (A) be carried away by the wind or fall; and
 - (B) give rise to a risk of—
 - (1) harm to human health or safety or personal injury; or
 - (2) property damage or a loss of amenity; or
- (b) a domestic rubbish bin is placed or left on a road—
 - (i) for more than 24 hours before or after the scheduled collection day; or
 - (ii) in a manner that is likely in the authorised person’s opinion to cause—
 - (A) harm to human health or safety, or personal injury; or
 - (B) property damage or a loss of amenity; or
 - (C) environmental harm or environmental nuisance; or
- (c) a commercial waste bin is left or placed upon a road; or
- (d) an act or omission on the premises—
 - (i) has caused the breeding or harbouring of flies or vermin; or

- (ii) is likely in the authorised person's opinion to give rise to the breeding or harbouring of flies or vermin; or
- (e) a plant or animal on the premises is a declared pest; or
- (f) a declared pest has been sold, displayed or offered for sale or supplied; or
- (g) fencing on the premises—
 - (i) is dangerous fencing; or
 - (ii) is unsightly; or
 - (iii) has caused personal injury or property damage; or
 - (iv) is likely in the authorised person's opinion to give rise to a risk of personal injury or property damage; or
- (h) a dead animal on the premises—
 - (i) has caused harm to human health or safety, personal injury or a loss of amenity; or
 - (ii) is likely in the authorised person's opinion to give rise to a risk of harm to human health or safety, personal injury or loss of amenity; or
- (i) a fire hazard exists or is likely to exist on the premises; or
- (j) a fire or the operation of any fire-producing or smoke-producing object which causes a volume of smoke or flames which is likely in the authorised person's opinion to give rise to a risk of personal injury or property damage or alarm to members of the public; or
- (k) a waste or contaminant is deposited in, released to or otherwise washed into premises without the consent of the owner or occupier of the premises; or
- (l) any matter or thing is deposited in waters which impedes the flow of water; or
- (m) the stacking, storing or exposure of goods including rubbish bins in, on, across, under or over a road—
 - (i) has caused personal injury or property damage; or
 - (ii) is likely in the authorised person's opinion to give rise to a risk of personal injury or property damage; or
- (n) a vehicle is painted, repaired, altered or maintained on a road; or

- (o) the driving, leading, standing, wheeling or riding of a vehicle or an animal other than a domestic animal on a nature strip, footpath, water channel or gutter—
- (i) has caused personal injury or property damage; or
- (ii) is likely in the authorised person’s opinion to give rise to a risk of personal injury or property damage; or
- (p) the driving, leading or riding of an animal other than a domestic animal in, on, across, under or over a road—
- (i) has caused personal injury or property damage; or
- (ii) is likely in the authorised person’s opinion to give rise to a risk of personal injury or property damage; or
- (q) a wasp nest or a bee hive, other than a bee hive operated by a registered beekeeper under the *Apiaries Act 1982*, on the premises—
- (i) has caused personal injury or property damage; or
- (ii) is likely in the authorised person’s opinion to give rise to a risk of personal injury or property damage; or
- (r) an act or omission is a traffic nuisance; or
- (s) there exists on premises an area that adjoins a road or footpath but is below the level of the road or footpath, or a hole, well, excavation or other place which—
- (i) has caused personal injury or property damage; or
- (ii) is likely in the authorised person’s opinion to give rise to a risk of personal injury or property damage; or
- (t) human remains have been disposed of on premises which is not a cemetery; or
- (u) the aggregation, accumulation or growth of any object, material or plant on the premises is, in the reasonable opinion of an authorised person, unsightly when viewed from any point outside the premises; or
- Example of subsection (1)(u)—*
- *broken down vehicles or car bodies;*
 - *a pile of scrap metal or machinery parts;*
 - *a pile of discarded bottles, containers or packaging;*
 - *overgrown grass or weeds.*
- (v) a building, structure or caravan is—

- (i) unsanitary; or
 - (ii) not in a state of good order or repair; or
 - (iii) unsafe; or
 - (iv) unfit for human habitation; or
 - (w) a kite is flown on, over or adjacent to a road, electric line or telecommunications facility; or
 - (x) a stone, bottle or other object is placed, thrown or otherwise discharged onto or over a road or other premises; or
 - (y) a person engages in fishing from a bridge which is specified in a subordinate local law; or
 - (z) a person jumps or dives from a bridge; or
 - (aa) an act or omission specified in a subordinate local law will give rise to a risk of—
 - (i) harm to human health or safety or personal injury; or
 - (ii) property damage or a loss of amenity.
- (2) For the purposes of subsection 6(1)(u) the growth of a plant on premises that overhangs a neighbour's land is not unsightly simply because it overhangs the neighbour's land.¹

7 Exclusion from liability

A person does not commit an offence against section 5 (Prohibition of a nuisance) of this local law-

- (a) if the nuisance is authorised or required in the performance of an express duty or the discharge of an express power or a written approval under—
 - (i) the *Environmental Protection Act 1994*; or
 - (ii) the *Fire and Emergency Services Act 1990*; or
 - (iii) the *Land Protection (Pest and Stock Route Management) Act 2002*; or
 - (iv) the *Transport Operations (Road Use Management) Act 1995*; or

¹ See the *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011* for responsibilities, liabilities and rights relating to overhanging trees.

- (v) the *Public Health Act 2005*; or
 - (vi) the *Land Act 1994*; or
 - (vii) the *Food Production (Safety) Act 2000*; or
 - (viii) the *Water Act 2000*; or
 - (ix) the *Plumbing and Drainage Act 2002*; or
 - (x) the *Building Act 1975*; or
 - (xi) the *Sustainable Planning Act 2009*; or
 - (xii) the *Work Health and Safety Act 2011*; or
 - (xiii) the *Water Supply (Safety and Reliability) Act 2008*; or
 - (xiv) the *Nature Conservation Act 1992*; or
 - (xv) the *Forestry Act 1959*; or
 - (xvi) another Act (including a local law); or
- (b) if a subordinate local law specifies that the act or omission is not a nuisance.

Part 3 Enforcement

8 Records to be kept

A subordinate local law may specify any records that are required to be kept in respect of the time, date, frequency, extent, size, number or amount of any action, activity, event or corrective action the subject of this local law.

9 Inspection, monitoring or management program

A subordinate local law may specify any inspection, monitoring or management program required to be kept in respect of any action, activity, event or corrective action the subject of this local law.

Part 4 Shopping trolleys at places outside shopping centre precincts

10 Leaving shopping trolleys at places outside shopping centre precincts

A person must not take a shopping trolley from a shopping centre precinct or leave a shopping trolley at a place outside the shopping centre precinct unless—

- (a) the person takes or leaves the trolley with the consent of the owner of that trolley; or

- (b) the person has a reasonable excuse.

Maximum penalty – 20 penalty units.

11 Shop owner's responsibilities

- (1) The owner or occupier of a shop which provides shopping trolleys for customers must ensure that—

- (a) all shopping trolleys so provided remain in the shopping centre precinct;
and

Maximum penalty for subsection (1)(a)—

- (i) first offence—20 penalty units;
- (ii) second offence (within 12 months of the first offence)—
50 penalty units;
- (iii) third offence (within 12 months of the first offence or 6 months
of the most recent offence)—200 penalty units.

- (b) each shopping trolley owned by them or that they make available for use
or permit to be used are marked with details of the name and address of
the shop owner or occupier that made the shopping trolley available for
use.

Maximum penalty for subsection (1)(b)—20 penalty units.

- (2) It is a defence to a contravention of subsection (1)(a) for the shop owner or
occupier to prove that they took all reasonable measures to ensure shopping
trolleys would remain in the shopping centre precinct.

*Example for subsection (2) – providing a system requiring the payment of a deposit to use a
shopping trolley.*

- (3) It is a defence to a contravention of subsection (1)(b) for the shop owner or
occupier to prove that they took all reasonable measures to mark the shopping
trolley with details of the name and address of the shop owner or occupier that
made the shopping trolley available for use.

12 Seizure of shopping trolleys

An authorised person may seize a shopping trolley from a public place that is
outside a shopping centre precinct and remove it to a place for safe keeping if the
authorised person considers on reasonable grounds the shopping trolley has been
left in the public place in contravention of—

- (a) this local law; or
- (b) a direction of an authorised officer.

13 Release of seized shopping trolleys

- (1) The local government will release a seized shopping trolley to a person claiming a right to possession of it, if, within 14 days of notification, the person—
 - (a) proves their ownership or right to possession of the shopping trolley to the satisfaction of the local government; and
 - (b) waives any right of action against the local government in respect of the confiscation and of any damage to the shopping trolley while it was in the local government's possession; and
 - (c) pays to the local government the full amount of the cost-recovery fee; and
 - (d) takes all reasonable measures in accordance with section 11 (Shopping owners' responsibilities) of this local law.
- (2) A person must not take, or obtain possession of a seized shopping trolley, except in accordance with this section.

Maximum penalty—50 penalty units.

14 Disposal of seized shopping trolleys

If the shopping trolley is not released in accordance with section 13 (Release of seized shopping trolleys) of this local law, the shopping trolley may be sold or disposed of in accordance with section 39 (Confiscated goods) of *Local Law No. 3 (Administration) 2008*.

Part 5 Prescribed noise standard

Division 1 Building work

15 Prescribed noise standard for building work

- (1) The prescribed noise standard for section 440R (Building work) of the *Environmental Protection Act 1994*² is:
 - (a) if a permit for building work noise given under this local law states a noise standard for the building work— a person must not carry out building work in a way that makes an audible noise outside the time stated in the permit for the duration and location stated in the permit and subject to any other conditions stated in the permit; and

² Section 440Q of the *Environmental Protection Act 1994* provides that a person must not unlawfully contravene a noise standard and prescribes a maximum penalty of 600 penalty units.

- (b) otherwise, the standard stated in section 440R of the *Environmental Protection Act 1994* for building work.

Part 6 Regulated activities

16 Requirement for a permit

- (1) A person must not—
 - (a) operate a regulated activity on premises within the local government area unless authorised by a permit granted under section 18(1) of this local law; or
 - (b) change the manner of operation of a regulated activity on premises within the local government area unless authorised by a permit granted under section 18(1) of this local law.

Maximum penalty for subsection (1)—50 penalty units.

- (2) Notwithstanding subsection (1), a permit is not required under this local law if a subordinate local law specifies that a permit is not required in respect of the operation of the regulated activity.

17 Application for a permit

- (1) An application for a permit must be—
 - (a) made by the person who will be carrying out the regulated activity; and
 - (b) made in the prescribed form; and
 - (c) accompanied by—
 - (i) the prescribed fee; and
 - (ii) evidence that all approvals under the Local Government Acts required for carrying out the regulated activity have been obtained; and
 - (iii) full details of the regulated activity including plans and specifications unless otherwise required by the local government; and
 - (iv) such other information and materials as are requested by the local government or specified in a subordinate local law.
- (2) The local government may waive the requirements of subsection (1)—
 - (a) in an emergency; or
 - (b) if there are special reasons for dispensing with the requirement; or

- (c) in the circumstances specified in a subordinate local law.

18 Grant of a permit

- (1) The local government may grant a permit if satisfied that the carrying out of the regulated activity—
- (a) will not result in harm to human health or safety or personal injury; and
 - (b) will not result in property damage; and
 - (c) will not result in an unacceptable loss of amenity; and
 - (d) will not have an adverse effect on the surrounding community; and
 - (e) complies with the provisions of the Local Government Acts that regulate the undertaking of the regulated activity ; and
 - (f) complies with the assessment criteria; and
 - (g) complies with the prescribed criteria.
- (2) Before the local government decides an application for a permit, an authorised person may—
- (a) inspect any premises, vehicle, equipment, animal, plant or thing to be involved in the undertaking of the regulated activity; and
 - (b) measure, weigh, sample, test, photograph, videotape or otherwise examine anything that may be inspected; and
 - (c) request any further information or material which is required to assess the application.
- (3) For the purposes of determining whether the criteria specified in subsection (1) have been satisfied—
- (a) the local government may have regard to—
 - (i) the results of any periodic inspection, testing or monitoring program undertaken in respect of the regulated activity; and
 - (ii) the applicant's antecedents in terms of compliance or otherwise with this local law; and
 - (b) the local government is not obliged to look beyond—
 - (i) any information or materials submitted to the local government in respect of the application; and
 - (ii) any other information held by the local government which is relevant to the application.

19 Term of a permit

- (1) A permit granted by the local government is for the term specified in the permit.
- (2) A permit expires at the end of the day specified in subsection (1).

20 Conditions of a permit

- (1) A permit may be granted by the local government on conditions the local government considers appropriate.
- (2) The conditions of a permit may—
 - (a) require the holder of the permit to take specified measures to—
 - (i) prevent harm to the health or safety of persons who may be involved in or affected by the undertaking of the regulated activity; and
 - (ii) prevent personal injury or property damage from the undertaking of the regulated activity; and
 - (iii) ensure that the undertaking of the regulated activity does not have an adverse effect on the surrounding community or result in an unacceptable loss of amenity; and
 - (iv) ensure that there is compliance with the provisions of the Local Government Acts that regulate the undertaking of the regulated activity; and
 - (v) ensure that the undertaking of the regulated activity complies with the assessment criteria; and
 - (vi) ensure that the undertaking of the regulated activity complies with the prescribed criteria; and
 - (b) require compliance with specified safety requirements; and
 - (c) require the holder of the permit to carry out specified work; and
 - (d) require the holder of the permit to give the local government a specified indemnity and to take out specified insurance; and
 - (e) require the holder of the permit to take out specified insurance indemnifying a person who may suffer personal injury, loss or damage, as a result of the emission of the noise from the regulated activity; and
 - (f) require the holder of the permit to exhibit a specified sign containing a warning notice and to take other specified precautions; and
 - (g) require the holder of the permit to notify the local government within a period specified in the permit that the holder of the permit is no longer

- undertaking the regulated activity or is undertaking the regulated activity other than in accordance with the permit; and
- (h) require the certification by a person specified by the local government of a vehicle, equipment, animal, plant, or thing involved in the undertaking of the regulated activity; and
 - (i) require records to be kept at a place and for a time specified in the permit or a subordinate local law; and
 - (j) require the holder of the permit to prepare, provide, undertake or comply with a periodic inspection, monitoring or management program in respect of the undertaking of the regulated activity; and
 - (k) require that the number of persons involved in the undertaking of the regulated activity is not to exceed the number specified by the local government.
- (3) The local government may specify in a subordinate local law, the conditions that must be imposed in a permit or that will ordinarily be imposed in a permit.

21 Power to change the conditions of a permit

- (1) The local government may, by written notice to the holder of a permit, change a condition of a permit if³—
- (a) the holder of the permit agrees to the proposed change; or
 - (b) the change is necessary to prevent—
 - (i) harm to human health or safety or personal injury; or
 - (ii) property damage; or
 - (iii) an unacceptable loss of amenity; or
 - (iv) an adverse effect on the surrounding community; or
 - (c) the change is necessary to ensure that the undertaking of the regulated activity complies with the prescribed criteria; or
 - (d) changes in circumstances as specified in a subordinate local law since the permit was granted make the change desirable.
- (2) The written notice under subsection (1) must state—
- (a) the change and the reason for the change; and

³ A change to a condition of a permit includes a change by omission, substitution or addition (see section 36 (Meaning of commonly used words and expressions) of the *Acts Interpretation Act 1954*).

- (b) that the holder of the permit may make written representations to the local government about the change; and
 - (c) the time (at least 15 business days after the written notice is given to the holder of the permit) within which the written representations may be made; and
- (3) The local government must consider any written representations made by the holder of the permit within the time stated in the written notice.
- (4) After considering any written representations made by the holder of the permit, the local government must give to the holder of the permit—
- (a) if the local government is not satisfied the change was necessary, a written notice stating that the change to the condition is reversed; or
 - (b) if the local government is satisfied that the change was necessary, a written notice stating that the change to the condition is to be retained.
- (5) The changed condition takes effect immediately upon the local government giving the written notice under subsection (1).
- (6) If the local government gives a written notice stating that the change is reversed under subsection (4)(a), the reversal takes effect immediately upon the local government giving written notice under subsection (4)(a).

22 Amendment of a permit

- (1) The holder of a permit may make an application to the local government to amend the permit.
- (2) An application to amend a permit must be—
- (a) made by the holder of the permit; and
 - (b) made in the prescribed form; and
 - (c) accompanied by the prescribed fee and such other information as is requested by the local government.
- (3) The local government may amend a permit—
- (a) when the undertaking of the regulated activity complies with the criteria specified in section 18(1) of this local law; and
 - (b) subject to such conditions as the local government considers appropriate.
- (4) For the purposes of determining whether the provisions specified in subsection (3) has been satisfied, the local government is not obliged to look beyond—
- (a) any information or materials submitted to the local government in respect of the application; and

- (b) any other information held by the local government which is relevant to the application.
- (5) The local government must not amend a permit that has been granted for a specific location if the amendment is to the location where the regulated activity is to be undertaken.

23 Cancellation of a permit

- (1) The local government may, by written notice to the holder of a permit, cancel a permit if—
 - (a) the holder of the permit agrees to the cancellation; or
 - (b) the cancellation is necessary to prevent—
 - (i) harm to human health or safety or personal injury; or
 - (ii) property damage; or
 - (iii) an unacceptable loss of amenity; or
 - (iv) an adverse effect on the surrounding community; or
 - (c) the holder of the permit contravenes—
 - (i) this local law; or
 - (ii) a condition of a permit; or
 - (iii) a requirement of a compliance notice or a stop order; or
 - (d) the undertaking of the regulated activity does not comply with—
 - (i) the provisions of the Local Government Acts that regulate the undertaking of the regulated activity; or
 - (ii) the prescribed criteria; or
 - (e) the permit was granted on the basis of false, misleading or incomplete information; or
 - (f) changes in circumstances as specified in a subordinate local law since the permit was granted make the continued operation of the regulated activity inappropriate.
- (2) The local government may specify by subordinate local law, the changes in circumstances since a permit was granted that makes the continued operation of the regulated activity inappropriate.
- (3) The written notice under subsection (1) must state—

- (a) the reason for the cancellation; and
 - (b) that the holder of the permit may make written representations to the local government about the cancellation; and
 - (c) the time (at least 15 business days after the written notice is given to the holder of the permit) within which written representations may be made; and
- (4) The local government must consider any written representations made by the holder of the permit within the time stated in the written notice.
- (5) After considering any written representations made by the holder of the permit the local government must give to the holder of the permit—
- (a) if the local government is not satisfied that the cancellation was necessary, a written notice stating that the cancellation of the permit is reversed; or
 - (b) if the local government is satisfied that the cancellation was necessary, a written notice confirming the cancellation of the permit.
- (6) Before the local government cancels a permit under subsection (1), the local government must consider the impact of the cancellation of the permit, other than a financial impact on the holder of the permit, on those persons who would be affected by the undertaking of the regulated activity ceasing.

Example of subsection (6)—

The local government must consider the impact of any delay in the completion of the building work the subject of a permit caused by the cancellation of a permit on any persons who reside in the building in respect of which the building work is being undertaken.

- (7) The cancellation of the permit takes effect immediately upon the local government giving a written notice under subsection (1).
- (8) If the local government gives a written notice under subsection (5)(a), the permit is reinstated immediately upon the local government giving the written notice under subsection (5)(a).
- (9) If the local government has cancelled a permit, the holder of the permit must cease to undertake the regulated activity immediately.

Maximum penalty for subsection (9)—50 penalty units.

24 General compliance provision

- (1) The holder of a permit must ensure that the conditions of the permit are complied with.

Maximum penalty for subsection (1)—50 penalty units.

- (2) The holder of a permit and any person involved in the undertaking of the regulated activity must ensure that the undertaking of the regulated activity —
- (a) does not result in harm to human health or safety or personal injury; and
 - (b) does not result in property damage; and
 - (c) does not have an adverse effect on the surrounding community; and
 - (d) complies with the prescribed criteria; and
 - (e) complies with the conditions of the permit.

Maximum penalty for subsection (2)—50 penalty units.

Part 7 Subordinate local laws

25 Subordinate local laws

The local government may, in a subordinate local law, specify—

- (a) an animal as a domestic animal pursuant to the Schedule 2 (Dictionary) of this local law; and
- (b) a local government road as a public place pursuant to the Schedule 2 (Dictionary) of this local law; and
- (c) a thing as a vehicle pursuant to the Schedule 2 (Dictionary) of this local law; and
- (d) a public place as a footpath pursuant to the Schedule 2 (Dictionary) of this local law; and
- (e) a plant or animal as a declared pest pursuant to the Schedule 2 (Dictionary) of this local law; and
- (f) a thing as a waste pursuant to the Schedule 2 (Dictionary) of this local law; and
- (g) a fence as a dangerous fence pursuant to the Schedule 2 (Dictionary) of this local law; and
- (h) an animal as vermin pursuant to the Schedule 2 (Dictionary) of this local law; and
- (i) a thing as a structure pursuant to the Schedule 2 (Dictionary) of this local law; and
- (j) premises as a public place pursuant to the Schedule 2 (Dictionary) of this local law; and

- (k) land as a reserve pursuant to the Schedule 2 (Dictionary) of this local law; and
- (l) a bridge from which a person engages in fishing is a nuisance pursuant to section 6(1)(y) of this local law; and
- (m) an act or omission that is a nuisance pursuant to section 6(1)(aa) of this local law; and
- (n) an act or omission that is not a nuisance pursuant to section 7(b) of this local law; and
- (o) the records that are required to be kept pursuant to section 8 (Records to be kept) of this local law; and
- (p) the terms of a periodic inspection, monitoring or management program pursuant to section 9 (Inspection, monitoring and management program) of this local law; and
- (q) the assessment criteria for deciding an application for a permit pursuant to the Schedule 2 (Dictionary) of this local law;
- (r) the prescribed criteria with which a regulated activity must comply pursuant to the Schedule 2 (Dictionary) of this local law; and
- (s) the information that must accompany an application for a permit pursuant to section 17(1)(c)(iv) of this local law; and
- (t) the circumstances in which the local government may waive the requirements of section 17(1) of this local law pursuant to section 17(2)(c) of this local law; and
- (u) the records that must be kept, the place at which those records must be kept and the time for which those records must be kept pursuant to section 20(2)(i) of this local law; and
- (v) the conditions that must be imposed in a permit or that will ordinarily be imposed in a permit pursuant to section 20(3) of this local law; and
- (w) the changes in circumstances since a permit was granted that make a change desirable pursuant to section 21(1)(d); and
- (x) the changes in circumstances since a permit was granted that make the continued operation of the permit inappropriate pursuant to section 23(2) of this local law; and
- (y) such other matters as are provided for in this local law.

Part 8 Application of Local Law No. 3 (Administration) 2008

26 Application of Local Law No. 3 (Administration) 2008 to this local law

(1) To avoid any doubt, the provisions of *Local Law No. 3 (Administration) 2008* apply to this local law, including (but not limited to) the following parts of *Local Law No. 3 (Administration) 2008*—

- (a) Part 7 (Enforcement); and
- (b) Part 8 (Administration).

Note—

Part 7 (Enforcement) of *Local Law No. 3 (Administration) 2008* sets out the powers of the local government to deal with a contravention of a local law (including this local law) and the steps that the local government may take to remedy any non-compliance.

Part 8 (Administration) of *Local Law No. 3 (Administration) 2008* contains a number of provisions which clarify the liability of persons for actions taken contrary to a local law (including this local law).

This local law must be read with any relevant provisions of *Local Law No. 3 (Administration) 2008*.

(2) If there is a conflict between a provision of this local law and *Local Law No. 3 (Administration) 2008*, the provision in this local law will prevail to the extent of any inconsistency.

Schedule 1 Regulated activities

Part 1 Regulated activities

1 Regulated activities

For the purposes of Schedule 2 (Dictionary) of this local law, an activity specified in Table 1 is a regulated activity.

Table 1 - Regulated activities

building work noise

building site delivery noise

2. Definitions of regulated activities

For the purposes of section 1 (Regulated activities) of Schedule 1 (Regulated activities) of this local law—

building work noise means—

- (a) carrying out building work on premises in a way that makes an audible noise—
 - (i) on a business day or Saturday, before 6:30 am or after 6:30 pm;
or
 - (ii) on any other day at any time.
- (b) the reference in paragraph (a) to carrying out building work—
 - (i) includes a person carrying out building work under an owner-builder permit; and
 - (ii) otherwise does not include a person carrying out building work at premises used by the person only for residential purposes.

building site delivery noise means —

- (a) causing building materials or building equipment to be placed on or removed from a building site in a way that makes an audible noise—
 - (i) on a business day or Saturday, before 6:30 am or after 6:30 pm;
or
 - (ii) on any other day at any time.

Schedule 2 Dictionary

section 3

advertisement has the meaning given in Schedule 1 (Prescribed activities) of *Local Law No. 16 (Licensing) 2008*.

animal has the meaning given in *Local Law No. 12 (Keeping and Control of Animals) Law*.

approval means a consent, permit, licence, authorisation, registration, membership or approval under a Local Government Act or a local law and includes all the conditions of a consent, permit, licence, authorisation, registration, membership or approval.

assessment criteria means the criteria specified in a subordinate local law for deciding an application for a permit.

audible noise has the meaning given in the *Environmental Protection Act 1994*.

authorised person means a person authorised by the local government pursuant to *Local Law No. 3 (Administration) 2008* to exercise the powers of an authorised person under this local law.⁴

beekeeper has the meaning given in the *Apiaries Act 1982*.

bridge means a structure carrying a footpath, a cycle path, a road, a railway, a canal, water or animals over some natural or artificial obstacle.

building has the meaning given in the *Building Act 1975*.

building site means a place where building work is being or is about to be carried out.

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

business day has the meaning given in the *Acts Interpretation Act 1954*.

caravan has the meaning given in the *Transport Operations (Road Use Management – Vehicle Registration) Regulation 2010*.

cemetery has the meaning given in the local government planning scheme.

⁴ Section 21 (Appointment) of *Local Law No. 3 (Administration) 2008* provides for the local government to appoint a person to a position provided for under a local law and authorises a person appointed by the local government to a position provided for under a local law to exercise the powers attaching to that position under the local law unless otherwise stated in the appointment.

commercial waste bin includes a bin for the disposal of “commercial waste” or “industrial waste” as defined in the *Environmental Protection Regulation 2008*.

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

cost-recovery fee means a fee set by the local government by a resolution made in accordance with section 97 of the *Local Government Act 2009*.

dangerous fencing means—

- (a) a razor wire fence; or
- (b) a fence specified in a subordinate local law.

declared pest means a plant or animal declared to be a pest by a subordinate local law after consultation with the chief executive of the department which administers the *Land Protection (Pest and Stock Route Management) Act 2002*.

delivery means placing building materials or building equipment on a building site or removing building materials or building equipment from a building site.

domestic animal means an animal specified in a subordinate local law.

domestic rubbish bin includes a “standard general waste container” as defined in the *Environmental Protection Regulation 2008*.

electric line has the meaning given in the *Electrical Safety Act 2002*.

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

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

fire hazard means anything that because of its flammable or combustible nature, its position, or its quantity, exposes premises or other property (such as plant, equipment or chattels) to a significant risk of damage or destruction by fire.

Examples of a fire hazard—

- An accumulation of live cinders or hot ash that could easily ignite other flammable material.
- The storage of tyres in whole or in parts on premises other than as part of an environmentally relevant activity under the *Environmental Protection Act 1994*.
- A gas bottle, whether empty or full, that has been discarded in the open air.

footpath has the meaning given in the *Transport Operations (Road Use Management) Act 1995* and includes a mall, a square, court or other public place declared to be a footpath in a subordinate local law.

goods has the meaning given in *Local Law No. 3 (Administration) 2008*.

ground waters means water occurring under the surface of the ground in a geological structure or formation or in an artificial landfill.

human remains has the meaning given in *Local Law No. 13 (Cemeteries) 2008*.

land has the meaning given in the *Sustainable Planning Act 2009*.

Local Government Act has the meaning given in the *Local Government Act 2009* and includes approvals granted pursuant to Local Government Acts.

local government road means—

- (a) a road under the *Local Government Act 2009*; or
- (b) a mall, square, court or other public place under the local government's control that is specified in a subordinate local law to be subject to this local law; or
- (c) light rail land designated to be used as a road under section 359 of the *Transport Infrastructure Act 1994*.

local law includes any subordinate local laws and all approvals granted pursuant to this local law.

nuisance means the circumstances identified in section 6 (Commission of a nuisance) of this local law.

object includes a vehicle and a plant but does not include a building or structure.

occupier of premises means the person who has the control or management of the premises.

open air means any place not within the confines of any building.

owner of premises means the person for the time being entitled to receive the rent for the premises or would be entitled to receive the rent for it if it were let to a tenant at a rent.

owner-builder permit means an owner-builder permit under the *Queensland Building and Construction Commission Act 1991*.

planning scheme has the meaning given in the *Sustainable Planning Act 2009*.

plant means any tree, bush, shrub, grass, fungi, algae or other thing terrestrial or aquatic including all natural parts of it or things naturally produced of, by or from it.

premises means any road, land, building or structure and includes any part thereof.

prescribed criteria means the criteria specified in a subordinate local law with which the undertaking of the regulated activity must comply.

prescribed times means—

- (a) on a business day or Saturday, before 6.30a.m. or after 6.30p.m; or
- (b) on any other day, at any time.

private premises means premises which is not a public place.

public place means—

- (a) a road; or
- (b) trust land; or
- (c) a park or reserve as defined in *Local Law No. 9 (Parks and Reserves) 2008*; or
- (d) a bathing reserve as defined in *Local Law No. 10 (Bathing Reserves) 2004*; or
- (e) premises of which the local government is the owner or occupier; or
- (f) premises which are managed or controlled by the local government; or
- (g) premises specified as a public place in a subordinate local law.

regulated activity means an activity specified in Schedule 1 (Regulated activities) of this local law.

reserve means land which is placed under the control of the local government pursuant to legislation and includes land specified as a reserve in a subordinate local law.

road means a local government road or a State-controlled road.

shopping centre means any building or structure or group of buildings or structures containing two or more shops.

shopping centre precinct means the area immediately adjacent to the shopping centre which is provided and maintained for the use of customers.

State-controlled road means a State-controlled road under the *Transport Infrastructure Act 1994*.

structure has the meaning given in the *Local Government Act 2009* and includes a structure as defined in the *Building Act 1975* and any other thing specified in a subordinate local law.

surface waters means water other than ground water.

telecommunications facility has the meaning given in the local government's planning scheme.

traffic nuisance means interfering with a local government road in a way that obstructs the flow of traffic on the road.

trust land means land dedicated as a reserve or granted in trust under the *Land Act 1994* and for which the local government is the trustee under the *Land Act 1994*.

vehicle has the meaning given in the *Transport Operations (Road Use Management) Act 1995* and includes anything specified as a vehicle in a subordinate local law.

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

waste has the meaning given in the *Environmental Protection Act 1994* and includes those matters specified in a subordinate local law.

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

waters include—

- (a) surface waters, including water flowing in a watercourse; and
- (b) ground waters; and
- (c) the beds and banks of waters.