

Local Law No. 16

(Licensing) 2008

Consolidated version

Reprint No. 4

This and the following 26 pages is a certified copy of the CONSOLIDATED VERSION of
Local Law No. 16 (Licensing) 2008
adopted in accordance with the provisions of the *Local Government Act 2009*
by the Council of the City of Gold Coast by resolution dated 12 October 2021.

Joe McCabe
Acting Chief Executive Officer

**Council of the City of Gold Coast
Local Law No. 16
(Licensing) 2008**

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Council of the City of Gold Coast Local Law No. 16 (Licensing) 2008

Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 16 (Licensing) 2008*.

2 Object

The object of this local law is to ensure that—

- (a) a regulated activity does not result 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; and
- (b) the operation of a regulated activity complies with the Local Government Acts that regulate the regulated activity by subjecting the regulated activity to an inspection and enforcement regime.

3 Definitions—the dictionary

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

4 Relationship to other laws

- (1) This local law does not apply to—
 - (a) the operation of a regulated activity on a State-controlled road unless the chief executive of the department which administers Chapter 6 of the *Transport Infrastructure Act 1994* has given written approval to the local government to licence the operation of the regulated activity on State-controlled roads within the local government area; or
 - (b) the operation of a regulated activity which is authorised or required to be operated in the performance of an express duty or power under legislation (including subordinate legislation); or
 - (c) a person operating a regulated activity if—
 - (i) that regulated activity is prohibited by—
 - (A) the State government; or

- (B) the local government pursuant to a Local Government Act; or
- (ii) that person is required to be licensed, registered or approved in respect of the operation of that regulated activity by—
 - (A) the State government; or
 - (B) the local government pursuant to a Local Government Act; or
- (iii) that person is deemed to be licensed, registered or approved in respect of the operation of that regulated activity by operation of law.

Example of paragraph (b)—

If incineration was a regulated activity this section would exempt an officer of the Queensland Fire and Rescue Service from being licensed as they have the power to light fires under the *Fire and Rescue Service Act 1990*.

Example of paragraph (c)(i)(B)—

Exhibiting an advertisement in a park that is prohibited under *Local Law No. 9 (Parks and Reserves) 2008*; this section prevents a person applying for a licence to advertise in a park under this Local Law to avoid that prohibition.

Example of paragraph (c)(ii)(A)—

This would exempt the operation of a regulated activity that is registered by the State government under the *Environmental Protection Act 1994*.

Example of paragraph (c)(ii)(B)—

This would exempt the operation of a regulated activity that is administered and enforced by the local government under the *Environmental Protection Act 1994*.

- (2) The powers given by this local law must be exercised in a way that is not inconsistent with all Acts (including subordinate legislation) including—
 - (a) the *Environmental Protection Act 1994*; and
 - (b) the *Fire and Emergency Services Act 1990*; and
 - (c) the *Biosecurity Act 2014*; and
 - (d) the *Transport Operations (Road Use Management) Act 1995*; and
 - (e) the *Health Act 1937*; and
 - (f) the *Land Act 1994*; and
 - (g) the *Plumbing and Drainage Act 2018*; and

- (h) the *Building Act 1975*; and
 - (i) the *Planning Act 2016*; and
 - (j) the *Food Act 2006*; and
 - (k) the *Work Health and Safety Act 2011*; and
 - (l) the *Food Production (Safety) Act 2000*; and
 - (m) the *Residential Services (Accreditation) Act 2002*; and
 - (n) the *Public Health (Infection Control for Personal Appearance Services) Act 2003*; and
 - (o) the *Public Health Act 2005*; and
 - (p) the *Fisheries Act 1994*.
- (3) Any Aboriginal or Torres Strait Islander native title and cultural heritage rights and interests existing under an Act of the Commonwealth government, State government or local government or the common law must be respected and taken into account.

Part 2 Licensing

5 Requirement for a licence

- (1) A person must not—
- (a) operate a regulated activity on premises within the local government area unless authorised by a licence granted under section 7(2) 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 licence granted under section 7(2) of this local law.¹

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

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

6 Application for a licence

- (1) An application for a licence must be—
- (a) made by the person who will be operating the regulated activity; and

¹ This section is not intended to apply when a change to the manner of operation of a regulated activity is a material change of use under the *Sustainable Planning Act 2009*.

- (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 the operation of the regulated activity have been obtained; and
 - (iii) full details of the operation 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) If an applicant for a licence is not the owner of the premises on which the regulated activity is to be operated, the application must be accompanied by the written consent of the owner.
- (3) The local government may waive a requirement of section 6 (Application for a licence)—
 - (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; or
 - (d) if the local government is the owner of the premises on which the regulated activity is to be undertaken.
- (4) A subordinate local law may specify the circumstances when an application for a licence is deemed to have been made.

7 Deciding application for a licence

- (1) The local government must—
 - (a) consider an application for a licence; and
 - (b) subject to subsection 7(2), decide whether to grant or refuse it.
- (2) The local government must grant a licence if satisfied that the operation 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 or a loss of amenity; and
 - (c) will not result in environmental harm or environmental nuisance; and

- (d) will not result in a nuisance; and
 - (e) complies with the provisions of the Local Government Acts that regulate the operation of the regulated activity; and
 - (f) complies with the assessment criteria; and
 - (g) complies with the prescribed criteria; and
 - (h) complies with any other matter specified in a subordinate local law.
- (3) Before the local government decides an application for a licence, an authorised person may—
- (a) inspect any premises, vehicle, equipment, animal or thing to be involved in the operation of the regulated activity; and
 - (b) measure, weigh, sample, test or otherwise examine anything that may be inspected; and
 - (c) request any further information or material which is required to assess the application.
- (4) A licence cannot be granted in respect of a regulated activity —
- (a) on a State-controlled road unless the chief executive of the department which administers Chapter 6 of the *Transport Infrastructure Act 1994* has given written approval pursuant to section 4(1)(a) of this local law; or
 - (b) that involves the erection of a permanent building or structure on a road or the making of structural changes to a road.
- (5) For the purposes of determining whether the criteria specified in subsection 7(2) have been satisfied—
- (a) the local government may have regard to the results of any periodic inspection, testing or monitoring program undertaken in respect of the operation of the regulated activity; and
 - (b) the local government may have regard to the applicant's antecedents in terms of compliance or otherwise with this local law; and
 - (c) 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.

8 Term of a licence

- (1) A licence granted by the local government is for a term extending from the date of issue until the thirty-first day of the following August unless otherwise specified in—
 - (a) the licence; or
 - (b) a subordinate local law.
- (2) A licence expires at the end of the day specified in subsection 8(1).

9 Conditions of a licence

- (1) A licence may be granted by the local government on conditions the local government considers appropriate.
- (2) The conditions of a licence may require—
 - (a) the holder of the licence to take specified measures to—
 - (i) prevent harm to the human health or safety of persons who may be involved in or affected by the operation of the regulated activity; and
 - (ii) prevent personal injury, property damage or a loss of amenity resulting from the operation of the regulated activity; and
 - (iii) ensure that the operation of the regulated activity does not cause environmental harm or environmental nuisance; and
 - (iv) ensure that the operation of the regulated activity does not cause a nuisance; and
 - (v) ensure that the operation of the regulated activity complies with the assessment criteria; and
 - (vi) ensure that the operation of the regulated activity complies with the prescribed criteria; and
 - (b) the holder of the licence to notify the local government within a period specified in the licence that the holder of the licence is no longer operating the regulated activity or is operating the regulated activity other than in accordance with the licence; and
 - (c) the certification by a person specified by the local government of a vehicle, equipment, animal, plant or other thing involved in the operation of the regulated activity; and
 - (d) the giving of a security or bond to secure compliance with the licence and the provisions of this local law; and

- (e) the holder of the licence to take out specified insurance indemnifying a person who may suffer personal injury loss or damage as a result of the operation of the regulated activity; and
 - (f) records to be kept at a place and for a time specified in the licence or a subordinate local law; and
 - (g) the holder of the licence to prepare, provide, undertake or comply with a periodic inspection, monitoring or management program in respect of the operation of the regulated activity; and
 - (h) the number of persons involved in the operation of the regulated activity not to exceed a number specified by the local government.
- (3) The local government may specify by subordinate local law the conditions that must be imposed in a licence or that will ordinarily be imposed in a licence for the operation of a regulated activity.

10 Power to change the conditions of a licence

- (1) The local government may change a condition of a licence when²—
- (a) the holder of the licence agrees to the proposed change; or
 - (b) the change is urgently necessary to prevent—
 - (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; or
 - (iv) a nuisance; or
 - (c) the change is necessary to ensure that the operation of the regulated activity complies with the prescribed criteria.
- (2) If the local government is satisfied it is necessary to change a condition of a licence, the local government must—
- (a) give the holder of the licence a written notice stating—
 - (i) the proposed change and the reason for the change; and
 - (ii) that the holder of the licence may make written representations to the local government about the proposed change; and

² A change to a condition of a licence includes a change by omission, substitution, exception or addition (see section 36 (Meaning of commonly used words and expressions) of the *Acts Interpretation Act 1954*).

- (iii) the time (at least 15 business days after the written notice is given to the holder of the licence) within which the written representations may be made; and
 - (b) consider any representations made by the holder of the licence within the time stated in the written notice.
- (3) After considering any written representations made by the holder of the licence, the local government must give to the holder of the licence—
 - (a) if the local government is not satisfied the change is necessary—a written notice stating that it has decided not to change the condition; or
 - (b) if the local government is satisfied that the change is necessary—a written notice stating that it has decided to change the condition including details of the changed condition.
- (4) The changed condition takes effect from the day the written notice was given to the holder of the licence—
 - (a) under subsection (2)(a), if no written representations are made by the holder of the licence within the time stated in the written notice; or
 - (b) under subsection (3)(b), if written representations are made by the holder of the licence within the time stated in the written notice and the local government decides that the change is necessary.

11 Amendment or transfer of a licence

- (1) The holder of a licence may make an application to the local government to—
 - (a) amend the licence; or
 - (b) unless otherwise specified in a subordinate local law, transfer the licence.
- (2) An application to amend or transfer a licence must be—
 - (a) made by the holder of the licence; 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; and
 - (d) accompanied by, in the case of a transfer of the licence—
 - (i) the written consent of the person to whom the licence will be transferred; and
 - (ii) the written consent of the owner of the premises on which the regulated activity is or is to be operated.

- (3) The local government may transfer a licence—
 - (a) if the operation of the regulated activity complies with the conditions of the licence and the provisions of this local law; and
 - (b) subject to such conditions the local government considers appropriate.
- (4) The local government may amend a licence—
 - (a) if the operation of the regulated activity complies with the criteria specified in section 7(2) of this local law; and
 - (b) subject to such conditions the local government considers appropriate.
- (5) The local government must not amend a licence that has been granted for a specific location if the amendment is to the location at which the regulated activity is to be operated.
- (6) For the purposes of determining whether the provisions specified in subsections (3) and (4) have 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.

12 Renewal of a licence

- (1) The local government is to be deemed to have requested the holder of a licence to renew the licence by giving to the holder of the licence a written notice.
- (2) The holder of a licence is to be deemed to have made an application to the local government to renew the licence—
 - (a) when the written notice requires the payment of a prescribed fee, upon the payment of the prescribed fee; or
 - (b) when the written notice does not require the payment of a prescribed fee, if the local government is not otherwise notified by the holder of the licence within 30 days of the issue of the written notice.
- (3) The local government may renew a licence—
 - (a) if the operation of the regulated activity complies with the conditions of the licence and the provisions of this local law; and
 - (b) if satisfied that any requirements specified in the written notice given by the local government pursuant to subsection (1) have been complied with; and

- (c) subject to the conditions of the licence unless otherwise determined by the local government; and
 - (d) subject to such conditions as the local government considers appropriate.
- (4) For the purposes of determining whether the criteria specified in subsection (3)(a) have 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 renewal of the licence; and
 - (b) any other information held by the local government which is relevant to the renewal of the licence.
- (5) If the local government renews a licence subject to conditions pursuant to subsections (3)(c) or (3)(d), the local government must—
 - (a) when giving the holder of the licence a written notice pursuant to subsection (1), give the holder of the licence a written notice stating—
 - (i) the proposed conditions of the licence; and
 - (ii) that the holder of the licence may make written representations to the local government about the proposed conditions of the licence; and
 - (iii) the time (at least 15 business days after the written notice is given to the holder of the licence) within which the written representations may be made; and
 - (b) consider any written representations made by the holder of the licence within the time stated in the written notice; and
 - (c) after considering any written representations made by the holder of the licence, give to the holder of the licence—
 - (i) if the local government is satisfied the condition is not necessary—a written notice stating that it has decided not to impose the conditions; or
 - (ii) if the local government is satisfied that the condition is necessary—a written notice stating that it has decided to impose the conditions.
- (6) A subordinate local law may specify the circumstances when the local government is deemed to have renewed the licence.

13 Cancellation or suspension of a licence

- (1) The local government may cancel or suspend a licence if—
 - (a) the holder of the licence agrees to the cancellation; or

- (b) the cancellation is urgently necessary to prevent—
 - (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; or
 - (iv) a nuisance; or
 - (c) the holder of the licence contravenes—
 - (i) this local law; or
 - (ii) a condition of a licence; or
 - (iii) a requirement of a compliance notice or a stop order; or
 - (d) the operation of the regulated activity does not comply with—
 - (i) the provisions of the Local Government Acts that regulate the operation of the regulated activity; or
 - (ii) the prescribed criteria; or
 - (e) the licence was granted on false, misleading or incomplete information; or
 - (f) changes in circumstances since the licence was granted make the continued operation of the licence inappropriate.
- (2) The local government may specify by subordinate local law the changes in circumstances since a licence was granted that makes the continued operation of the licence inappropriate.
- (3) If the local government is satisfied it is necessary to cancel or suspend a licence, the local government must—
- (a) give the holder of the licence a written notice stating—
 - (i) the reason for the proposed cancellation or suspension; and
 - (ii) that the proposed cancellation or suspension is to take effect immediately or on a specific date; and
 - (iii) that the holder of the licence may make written representations to the local government about the proposed cancellation or suspension; and
 - (iv) the time (at least 15 business days after the written notice is given to the holder of the licence) within which written representations may be made; and

- (v) in the event of suspension of the licence, the period of the proposed suspension or that the proposed suspension will take effect until the local government gives the holder of the licence a written notice stating that the licence will be reinstated on a certain date; and
 - (b) consider any written representations made by the holder of the licence within the time stated in the written notice.
- (4) After considering any written representations made by the holder of the licence the local government must give to the holder of the licence—
 - (a) if the local government is not satisfied that the cancellation or suspension is necessary, a written notice stating it has decided not to cancel or suspend the licence; or
 - (b) if the local government is satisfied that the cancellation or suspension is necessary, a written notice stating—
 - (i) it has decided to cancel or suspend the licence; and
 - (ii) that the cancellation or suspension is to take effect immediately or on a specific date; and
 - (iii) in the event of suspension of the licence, the period of the suspension or that the suspension will take effect until the local government gives the holder of the licence a written notice stating that the licence will be reinstated on a certain date.
- (5) Before the local government cancels or suspends a licence under subsection (4), the local government must consider the impact of the cancellation or suspension of the licence, other than a financial impact on the holder of the licence, on those persons who would be affected by the regulated activity ceasing to be operated.

Example of subsection (5)—

The local government must consider the impact on disabled persons who reside in rental accommodation if the licence in respect of the regulated activity is cancelled.

- (6) Subject to subsection (7), the cancellation or suspension of the licence takes effect from the day the written notice was given to the holder of the licence—
 - (a) under subsection (3)(a), when no written representations are made by the holder of the licence within the time stated in the written notice; or
 - (b) under subsection (4)(b), when written representations are made by the holder of the licence within the time stated in the written notice and the local government decides that the cancellation or suspension is necessary.

- (7) If the local government is satisfied that it is necessary to cancel or suspend a licence under subsection (1), it may specify in the written notice given under subsections (3)(a) or (4)(b) that the cancellation or suspension is to take effect from a date specified in the written notice, in which case the cancellation or suspension of the licence takes effect from the day specified in the written notice.
- (8) If the local government has cancelled or suspended a licence, the holder of the licence must cease to operate the regulated activity immediately.

Maximum penalty for subsection (8)—50 penalty units.

14 General compliance provision

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

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

- (2) The holder of a licence and any person operating a regulated activity must ensure that the operation 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 or a loss of amenity; and
- (c) does not result in environmental harm or environmental nuisance; and
- (d) does not result in a nuisance; and
- (e) complies with the prescribed criteria.

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

Part 3 Enforcement

15 Records to be kept

A subordinate local law may specify any records that are required to be kept for the undertaking of the regulated activity.

16 Inspection, monitoring or management program

A subordinate local law may specify any inspection, monitoring or management program required to be kept for the undertaking of the regulated activity.

17 Seizure of goods or objects

A subordinate local law may specify the circumstances when an authorised person may seize a good or object which is being operated contrary to this local law.

Part 4 Subordinate local laws

18 Subordinate local laws

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

- (a) the assessment criteria for deciding an application for a licence for the operation of a regulated activity pursuant to Schedule 2 (Dictionary) of this local law; and
- (b) a mall, square, court or other public place under the local government's control as a local government road pursuant to Schedule 2 (Dictionary) of this local law; and
- (c) a thing as a structure pursuant to Schedule 2 (Dictionary) of this local law; and
- (d) a thing as a vehicle pursuant to Schedule 2 (Dictionary) of this local law; and
- (e) prescribed criteria pursuant to Schedule 2 (Dictionary) of this local law; and
- (f) a regulated activity in respect of the operation of which a person is not required to hold a licence pursuant to section 5(2) of this local law; and
- (g) the information that must accompany an application for a licence pursuant to section 6(1)(c)(iv) of this local law; and
- (h) the circumstances in which the local government may waive the requirements of section 6 (Application for a licence) of this local law pursuant to section 6(3)(c) of this local law; and
- (i) the circumstances when an application for a licence has deemed to have been made pursuant to section 6 (Application for a licence) of this local law.
- (j) the matters with which the regulated activity must comply before the local government must grant a licence pursuant to section 7(2) of this local law; and
- (k) the term of the licence pursuant to section 8(1)(b) of this local law; and
- (l) the records that must be kept, the place at which those records must be kept and the period for which those records must be kept pursuant to section 9(2)(f) of this local law; and
- (m) the conditions that must be imposed in a licence or that will ordinarily be imposed in a licence pursuant to section 9(3) of this local law; and

- (n) the circumstances in which a person may not make an application to transfer a licence pursuant to section 11(1)(b) of this local law; and
- (o) the circumstances when the local government is deemed to have renewed the licence pursuant to section 12(6) of this local law.
- (p) the changes in circumstances since a licence was granted that make the continued operation of the licence inappropriate pursuant to section 13(2) of this local law; and
- (q) the records that are required to be kept pursuant to section 15 (Records to be kept) of this local law; and
- (r) the terms of a periodic inspection, monitoring or management program in respect of the operation of a regulated activity pursuant to section 16 (Inspection, monitoring or management program) of this local law; and
- (s) the circumstances when an authorised person may seize a good or object which is being operated contrary to this local law pursuant to section 17.
- (t) a matter as provided for in the definitions of regulated activities in section 2 (Definitions of regulated activities) of Schedule 1 (Regulated activities) of this local law; and
- (u) the meaning of a term used in section 2 (Definitions of regulated activities) of Schedule 1 (Regulated activities) of this local law pursuant to section 3(1) of Schedule 1 (Regulated activities) of this local law; and
- (v) such other matters as are provided for in this local law.

Part 5 Application of Local Law No. 3 (Administration) 2008

19 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.

Part 5A Application of Local Law No. 21 (Major City Events) 2017

19A Application of Local Law No. 21 (Major City Events) 2017 to this local law

- (1) This section applies if there is an inconsistency between a provision of this local law (a *standard provision*) and a provision of *Local Law No. 21 (Major City Events) 2017* (a *major city event provision*).
- (2) If there is an inconsistency between a standard provision and a major city event provision, the major city event provision prevails to the extent of the inconsistency, but only if the inconsistency arises as a result of the application of the standard provision—
 - (a) wholly or partly within a restricted access area; and
 - (b) during the whole or any part of a restricted access period.
- (3) In this section—

restricted access area has the meaning given in *Local Law No. 21 (Major City Events) 2017*;

restricted access period has the meaning given in *Local Law No. 21 (Major City Events) 2017*.

Part 6 Transitional Provisions

20 Transitional provision for advertising devices

- (1) A reference to an advertisement as defined in *Local Law No. 16 (Licensing) 2008* in another local law is taken to be a reference to an advertising device as defined after the commencement of this section.
- (2) A licence for an advertisement in force before the commencement of this section continues as a licence for an advertising device after the commencement of this section subject to the same terms and conditions to which the licence was subject immediately before the commencement of this section.

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

advertising device

aircraft operations

camping area

entertainment venue

film production

licensable swimming pool

rental accommodation

saleyard

2 Definitions of regulated activities

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

advertising device means—

1. the placing, building or erection of a temporary advertising device on premises that is visible from a public place.
2. the placing, building or erection of a permanent advertising device on premises that is visible from a public place.
3. the display or change in display of advertising on premises that is visible from a public place.

aircraft operations means the arrival, departure or movement of an aircraft designed or intended to carry a person from premises owned by a person.

camping area includes—

- (a) a camping ground³; or
- (b) a caravan park⁴; or
- (c) an area of land used as any form of temporary or semi-permanent accommodation for residential or recreational purposes, including occupying or sleeping in, or attempting to occupy or sleep in, a tent, caravan or vehicle.

entertainment venue means premises—

- (a) that—
 - (i) is open to the public for the purposes of entertainment, recreation and amusement; or
 - (ii) is operated as a market as defined in the local government’s planning scheme; and
- (b) for which a licence is not in force under the *Liquor Act 1992*.

film production means audio or visual recording and associated activities for the purposes of cinema, television, the internet or another purpose specified in a subordinate local law but does not include—

- (a) still photography, unless the photography is carried out—
 - (i) for a commercial benefit; and
 - (ii) is part of a fashion or sports wear shoot for a newspaper or other document, as defined in the *Printing and Newspapers Act 1981*; or
- (b) audio or visual recording of a wedding or other private celebration or event; or
- (c) audio or visual recording for the purposes of a television program in respect of news, current affairs or sports; or
- (d) any other film production specified in a subordinate local law.

licensable swimming pool —

- (a) means a swimming pool which is located on premises within the local government area; and

³ Camping ground is defined in *Subordinate Local Law No. 16.6 (Camping Areas) 2008* as having the meaning given in the local government’s planning scheme.

⁴ Caravan park is defined in *Subordinate Local Law No. 16.6 (Camping Areas) 2008* as having the meaning given in the local government’s planning scheme.

- (b) includes an aquatic facility which is located on premises within the local government area; but
- (c) does not include—
 - (i) a public swimming pool; or
 - (ii) a swimming pool which is situated on premises comprising a dwelling house or a dual occupancy, unless the swimming pool is used for a commercial purpose; or
 - (iii) any other swimming pool specified in a subordinate local law.

Examples of a licensable swimming pool—

- *A swimming pool or spa pool at a residential unit complex, holiday resort, motel, swim school, hostel, caravan park, school, retirement home or nursing home.*
- *A swimming pool, wave pool, water slide or splash park at a theme park or holiday resort.*
- *A swimming pool at a swim school business.*

rental accommodation means accommodation on premises provided for payment but does not include—

- (a) a residential service; or
- (b) employer provided accommodation; or
- (c) accommodation specified in a subordinate local law.

Example of rental accommodation—

A flat, residential dwelling or houseboat which is let to a tenant; accommodation provided mainly to tourists, travellers and holiday-makers such as a motel, a bed and breakfast, a backpacker's hostel, a hotel and a houseboat.

saleyard means a yard or other place used for the public sale of animals but does not include a local government stock pound, a kennel or a pet shop.

Part 2 Administrative definitions

3 Administrative definitions

- (1) Unless the context otherwise indicates or requires the terms used in section 2 (Definitions of regulated activities) of Schedule 1 (Regulated activities) of this local law have the meanings given to them in a subordinate local law.
- (2) When a term used in section 2 (Definitions of regulated activities) of Schedule 1 (Regulated activities) of this local law is not defined in a subordinate local law, the term must unless the context otherwise indicates or requires have the meaning

assigned to it by the *Local Government Act 2009* or the Macquarie Dictionary when the term is not defined in the *Local Government Act 2009*.

Schedule 2 Dictionary

section 3

aquatic facility has the meaning given in the Queensland Health, Water quality guidelines for public aquatic facilities dated December 2019.

advertise includes the use of any temporary advertising device or permanent advertising device for the sale or exposing for sale, or for the purpose of publicising any matter and **advertising** has the corresponding meaning.

animal has the meaning given in *Local Law No. 12 (Animal Management) 2008*.

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 licence for the operation of a regulated activity.

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.

boat means any vessel or structure used, or intended to be used, in navigation by water or for any other purpose on water.

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

commercial purpose, for the use of a swimming pool, means the person who operates the swimming pool makes the pool available for use by members of the public, or a section of the public—

- (a) in return for valuable consideration; or
- (b) for the purpose of marketing or advertising the operation of the swimming pool to the public, or a section of the public; or
- (c) in furtherance of the trade or business comprising the operation of the swimming pool; or
- (d) in exchange for the delivery, or supply, to the operator of the swimming pool, of goods or services, in lieu of the payment of valuable consideration; or
- (e) in other circumstances specified in a subordinate local law.

Example of the use of a swimming pool for a commercial purpose—

A swimming pool which forms part of a swim school business which is operated at a dwelling house.

device means a design, writing, drawing, three-dimensional object, depiction, symbol, structure, erection, placard, banner, notice, signboard, projection, image, animation, hologram, publication or sign of any kind.

dual occupancy has the meaning given in the local government's planning scheme.

dwelling house has the meaning given in the local government's planning scheme.

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

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

floatation tank—

- (a) means a tank, or container, which is used primarily for water based therapies and activities such as restricted environmental stimulation therapy (REST); and
- (b) includes floatation, isolation and sensory deprivation tanks.

interactive water feature means a water feature, water slide, water play, splash pad, spray park or fountain of a permanent or temporary nature, for example, at a theme park that incorporates a water feature or fountain in the children's play area of the theme park.

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

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

licence means a licence which has been granted pursuant to section 7 (Deciding application for a licence) of this local law or amended, renewed or transferred pursuant to section 11 (Amendment or transfer of a licence) or section 12 (Renewal of a licence) of this local law which—

- (a) has not expired pursuant to section 8(2) of this local law; and
- (b) has not been cancelled pursuant to section 13 (Cancellation or suspension of a licence) of this local law.

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

newspaper has the meaning given in the *Printing and Newspapers Act 1981*.

operating a regulated activity includes carrying out, providing, performing or undertaking the regulated activity. Operating does not include making a material change of use of premises for the regulated activity.

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.

permanent advertising device means any permanent structure, device, sign or the like intended for advertising purposes. It includes any supporting structure or building feature that is part of the advertising.

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

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, water, building, structure, vehicle or boat and includes any part thereof.

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

prescribed fee means the fee prescribed by the local government.

prescribed form means the form prescribed by the local government.

publication means any printed matter or written matter and includes a book, pamphlet, leaflet, circular, handbill, notice, ticket, voucher, pass,

advertisement, poster, magazine or other periodical publication but does not include a newspaper.

public swimming pool means a swimming pool of which the local government is the owner or occupier.

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

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

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.

swimming pool—

- (a) has the meaning given in the *Building Act 1975*; and
- (b) includes a floatation tank and an interactive water feature.

temporary advertising device means any structure, device, sign or the like intended for advertising purposes that is not a permanent advertising device.

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.

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