

Subordinate Local Law No. 16.5

(Aircraft Operations from Premises Owned by a Person) 2008

Consolidated version

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This and the following 10 pages is a certified copy of the CONSOLIDATED VERSION of
Subordinate Local Law No. 16.5 (Aircraft Operations from Premises Owned by a Person) 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 4 April 2014

Dale Dickson
Chief Executive Officer

**Council of the City of Gold Coast
Subordinate Local Law No. 16.5
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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 16.5 (Aircraft Operations from Premises Owned by a Person) 2008*.

2 Authorising local law

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

3 Object

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

- (a) to protect public health and safety; and
- (b) by ensuring that aircraft operations do not cause a nuisance.

4 Definitions—the dictionary

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

Part 2 Licensing

5 Requirement for a licence

For the purposes of section 5(2) of *Local Law No. 16 (Licensing) 2008*, a licence is not required pursuant to section 5(1) of *Local Law No. 16 (Licensing) 2008* in respect of the operation of aircraft operations—

- (a) at an airport or public aerodrome; or
- (b) when the aircraft operation is for the purpose of providing rescue, medical treatment or a fire fighting service; or
- (c) when the landing of the aircraft is a result of a medical or other emergency on board the aircraft; or
- (d) when the aircraft operation is not a temporary use.

6 Application for a licence

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

- (a) the street address, real property description and details of the owner of the premises at which the aircraft operations will be undertaken; and
- (b) the name, street address, telephone number, facsimile number and email address of the owner of the aircraft to be used in the aircraft operations; and
- (c) the name, street address, telephone number, facsimile number and email address of the operator of the aircraft to be used in the aircraft operations; and
- (d) the trading name, street address, telephone number, facsimile number, email address, registered business name and Australian Company Number of the business under which the aircraft operations are to be undertaken; and
- (e) details of the aircraft operations including—
 - (i) the proposed hours of operation; and
 - (ii) the proposed frequency of the aircraft operations; and
 - (iii) the type of aircraft to be used; and
 - (iv) the proposed flight path; and
- (f) a plan to scale of the aircraft operations showing—
 - (i) a site plan; and
 - (ii) a floor plan; and
 - (iii) a plan showing elevations; and
 - (iv) a plan depicting construction and fitout details; and
 - (v) a plan showing the location of any noise sensitive place which is likely to be affected by the aircraft operations; and
- (g) evidence that all approvals under State or Commonwealth legislation required for or associated with the aircraft operations have been obtained; and
- (h) details of all public liability insurances held by the person operating the aircraft operations; and

- (i) details of the proposed inspection, monitoring and management program.

7 Deciding application for a licence

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

- (a) The aircraft operations can be lawfully conducted on the premises.
- (b) The matters which are the subject of the conditions specified in section 8 (Conditions of a licence) of this subordinate local law which are relevant to the aircraft operations can be adequately addressed by the imposition of those conditions.

8 Conditions of a licence

For the purposes of section 9(3) of *Local Law No. 16 (Licensing) 2008*, the local government may impose all or any of the following conditions on a licence for the operation of aircraft operations¹—

- (a) The aircraft operations must not detrimentally affect the amenity or safety of neighbouring premises.
- (b) The hours of operation of the aircraft operations must not detrimentally affect the amenity of neighbouring premises.
- (c) The types of aircraft used as part of the aircraft operations must only be of a type specified by the local government.
- (d) The aircraft operations must only be carried out at the times specified by the local government.
- (e) The aircraft operations must be carried out in accordance with any specified safety requirements.
- (f) The aircraft operations must comply with any specified noise criteria.
- (g) The aircraft operations must not constitute a noise nuisance to neighbouring premises.
- (h) The aircraft operations must not constitute a nuisance under *Local Law No. 8 (Public Health, Safety and Amenity) 2008*.

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

- (i) The person operating the aircraft operations must hold a broadform public liability insurance policy on those terms and conditions as regulated by the local government from time to time.
- (j) A contaminant must not be released to the environment as part of the aircraft operations if the release may cause environmental harm unless such release is specifically authorised by the *Environmental Protection Act 1994*.
- (k) All mechanical repairs or maintenance undertaken as part of the aircraft operations must be carried out on a paved impervious surface which is unaffected by stormwater runoff.
- (l) Only rainwater from uncontaminated areas may drain directly into the stormwater system.
- (m) Any spillage of a waste, a contaminant or another material must—
 - (i) be cleaned up immediately; and
 - (ii) not be cleaned up by hosing, sweeping or otherwise releasing the waste, contaminant or material to any stormwater system or waters.
- (n) Lighting used to illuminate any areas of the premises must be angled or shaded in such a manner that the light does not cause a nuisance.
- (o) All class 3 dangerous goods must be stored and used in a safe manner as part of the aircraft operations.
- (p) Waste containers sufficient to accommodate the collection and storage of all waste generated as part of the aircraft operations must be provided in the manner and locations specified by the local government.
- (q) Waste containers that are provided as part of the aircraft operations must at all times be regularly cleaned and maintained in a clean, tidy, sanitary and hygienic condition.
- (r) All waste (including waste water) generated as part of the aircraft operations must be disposed of in a safe and sanitary manner and in accordance with the *Environmental Protection Act 1994* and the *Water Supply (Safety and Reliability) Act 2008*.
- (s) All waste generated as part of the aircraft operations must be disposed of in a manner which maintains the aircraft operation and its surrounds in a clean, tidy, sanitary and hygienic condition.
- (t) All waste water generated during or from the aircraft operations must be discharged safely to the sewerage system or an on-site sewerage facility, or in another manner approved by the local government.

- (u) Trade waste from the aircraft operations must be disposed of in accordance with a permit under the *Water Supply (Safety and Reliability) Act 2008*.
- (v) Waste from the aircraft operations must not be disposed of into the stormwater system, waters or a watercourse.
- (w) No waste or any other thing must be incinerated.
- (x) Any building or structure that forms part of the aircraft operations must comply with the *Building Act 1975* and the *Building Regulation 2006*.
- (y) The aircraft operations must comply with the *Environmental Protection Act 1994*, *Environmental Protection Regulation 2008*, *Environmental Protection (Water) Policy 2009*, *Environmental Protection (Noise) Policy 2008*, *Environmental Protection (Air) Policy 2008* and the *Environmental Protection (Waste Management) Regulation 2000*.
- (z) The operation of any regulated activity as part of the operation of aircraft operations the subject of this licence must be the subject of a separate licence under *Local Law No. 16 (Licensing) 2008*.
- (aa) The aircraft operations must comply with—
 - (i) any relevant development approval; and
 - (ii) the provisions of the planning scheme and any relevant planning scheme policy.

Part 3 Enforcement

9 Records to be kept

For the purpose of section 15 (Records to be kept) of *Local Law No. 16 (Licensing) 2008*—

- (a) records must be kept by the holder of the licence; and
- (b) the records must contain details of—
 - (i) all aircraft kept at the approved premises; and
 - (ii) the time and date of each departure or landing of aircraft at the approved premises, including the name of the operator of the aircraft and the details of the aircraft; and
 - (iii) material safety data sheets for all hazardous material stored on the premises; and
 - (iv) all safety checks carried out; and

(v) any complaints made in respect of the aircraft operations, including any actions taken by the holder of the licence to address the complaint; and

(c) the records must be kept for a period of seven years.

10 Inspection monitoring or management program

For the purpose of section 16 (Inspection, monitoring or management program) of *Local Law No. 16 (Licensing) 2008*, the holder of the licence must, unless otherwise required by the local government, maintain a noise management program.

Schedule Dictionary

section 4

aircraft includes any form of fixed wing aircraft or aeroplane, helicopter, ultra light, glider, hang-glider, dirigible, airship, hot air balloon, or any form of craft capable of carrying at least one person whilst sustaining itself off the ground.

aerodrome has the meaning given in the *Civil Aviation Act 1988 (Cth)*.

airport has the meaning given in the *Air Navigation Act 1920 (Cth)*.

approved premises means a premises used for an aircraft operation which has been licensed pursuant to *Local Law No. 16 (Licensing) 2008*.

class 3 for a dangerous good has the meaning given in the *Australian Code for the Transport of Dangerous Goods by Road and Rail*.

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

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

development approval has the meaning given in the *Sustainable Planning Act 2009*.

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

groundwater means water occurring in a geological structure or formation under the surface of a road.

hazardous material means a substance which—

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

hazardous substance has the meaning given in the *Workplace Health and Safety Regulation 2008*.

noise sensitive place has the meaning given in the *Environmental Protection (Noise) Policy 1997*.

operator of an aircraft includes—

- (a) for commercial operations, the holder of the licence under whose authority the flight is being conducted; and
- (b) for private operations, any hirer or cross-hirer of an aircraft; and
- (c) the pilot of the aircraft; and
- (d) the owner of the aircraft; and
- (e) any other person who appears to be in control of the aircraft.

owner in respect of an aircraft includes a lessee, lessor, charterer, holder of a certificate of registration of an aircraft, or any person who is or who appears to be in control of an aircraft.

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

public aerodrome means any aerodrome or helipad within the local government area owned by or under the control of the local government.

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

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

stormwater system means—

- (a) a roadside gutter; or
- (b) a stormwater drain; or
- (c) surface water; or
- (d) any other land or structure that is used to convey stormwater.

surface water means water other than groundwater.

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

vermin means rats, mice, guinea pigs and other rodents capable of carrying or

transmitting a notifiable disease, but does not include a protected animal within the meaning of the *Nature Conservation Act 1992*.

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

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

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

waste water means a liquid waste.

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

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