

Subordinate Local Law No. 16.9 (Amplified Music Venues) 2022

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Subordinate Local Law No. 16.9 (Amplified Music Venues) 2022
made in accordance with the provisions of the *Local Government Act 2009*
by the Council of the City of Gold Coast by resolution dated 21 October 2022.

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Chief Executive Officer

Council of the City of Gold Coast Subordinate Local Law No. 16.9 (Amplified Music Venues) 2022

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Council of the City of Gold Coast

Subordinate Local Law No. 16.9 (Amplified Music Venues) 2022

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Local Law No.16.9 (Amplified Music Venues) 2022*.

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* to regulate noise from amplified music in special entertainment precincts in the local government area, to provide venue owners with certainty and consistency for live music programming, while having regard to residential amenity.

4 Definitions—the dictionary

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

Part 2 Licensing

5 Requirement for a licence

- (1) For the purpose of section 5(2) of *Local Law No. 16 (Licensing) 2008*, a licence is not required under *Local Law No. 16 (Licensing) 2008* for the operation of an amplified music venue that does not emit amplified music at a level in excess of $L_{Ceq}65dB$ measured at any point 1 metre external to the premises.

6 Application for a licence

- (1) For the purpose of section 6(1)(c)(iv) of *Local Law No. 16 (Licensing) 2008*, an application for a licence for the operation of an amplified music venue must, unless otherwise required by the local government, be accompanied by—
 - (a) a detailed statement of the nature of the entertainment to be provided at the premises and the days and hours when the premises is to be open to the public; and
 - (b) a detailed statement of the days and times that sound checks and rehearsals will be conducted at the premises; and

- (c) if the premises is a licensed premises—a copy of the licence for the licensed premises, together with the licence conditions; and
- (d) details and drawings of buildings and other structural elements of the premises; and
- (e) details and drawings of the layout, design, and appearance of the premises (including all internal and outdoor areas) and the position of any sound amplification equipment or device; and
- (f) if a noise management plan is proposed—a noise management plan prepared in accordance with section 9(3); and
- (g) evidence of the suitability of the applicant to hold the licence; and
- (h) evidence of the suitability to ensure compliance with the licence conditions (that is, the conditions that must be imposed and the conditions that will ordinarily be imposed) of any person who will keep the premises open to the public or manage the premises.

Examples of outdoor areas for subsection (1)(e)—

rooftop area, beer garden.

- (2) Without limiting the generality of section 7(3)(c) of *Local Law No. 16 (Licensing) 2008*, a request for further information may require the applicant to provide any or all of the following —
 - (a) an acoustic report prepared by a suitably qualified person calculating the maximum internal levels of amplified music which can be played at the premises in order to satisfy the criteria for external noise set out in Schedule 1.

7 Deciding application for a licence

- (1) 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 an amplified music venue if satisfied that the operation of the amplified music venue complies with the following assessment criteria—
 - (a) the premises may be lawfully used for the purpose specified in the application; and
 - (b) it is reasonably practicable to set licence conditions for levels of noise from amplified music played at the premises so that the default maximum levels for external noise emissions prescribed in Schedule 1 are not exceeded; and
 - (c) if a noise management plan is required for the premises, it is reasonably practicable for the noise management plan to be complied with; and

- (d) the applicant is a suitable person to hold the licence; and
 - (e) any person who will keep the premises open to the public or manage the premises is a suitable person to ensure compliance with the licence conditions at the amplified music venue.
- (2) In deciding under subsection (1)(b), the local government may have regard to how the levels of noise will be attenuated by—
- (a) the design and construction of the buildings and structural elements of the premises; and
 - (b) the layout, and internal design, of the premises; and
 - (c) the positioning of any sound amplification equipment or device at the premises.
- (3) In deciding under subsection (1)(d) or (e) whether a person is suitable, the local government may have regard to the following matters—
- (a) the history of the person, or if the person is a corporation, the history of its executive officers in relation to compliance with conditions regarding noise in—
 - (i) a licence under the *Liquor Act 1992*; or
 - (ii) a development approval or a PDA development approval; and
 - (b) whether the person, or if the person is a corporation, an executive officer of the corporation—
 - (i) held a licence under this subordinate local law, or a licence or registration or permit under a related law, that was suspended or cancelled; or
 - (ii) has been refused a licence under this subordinate local law or a licence or registration or permit under a related law.
- (4) In considering an application for a licence for the operation of an amplified music venue, the local government must also have regard to any or all of the following—
- (a) if the venue is a licensed premises—the conditions of the licence for the licensed premises; and
 - (b) whether special restrictions are occasioned by public holidays (for example, Easter, Anzac Day, Christmas Day); and

- (c) any valid complaints previously made about noise emissions from the premises; and
- (d) the characteristics of the amplified music being emitted from the venue (for example, repetitive low frequency bass beat); and
- (e) any relevant local government plans, standards, agreements or requirements.

8 Conditions of a licence

For the purposes of section 9(3) of *Local Law No. 16 (Licensing) 2008* and without limiting section 9(1) 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 an amplified music venue¹—

- (a) The levels of noise from amplified music played at the premises must at all times be either—
 - (i) within specified limits² that will ensure that the external emission of noise from amplified music at the premises does not exceed the default maximum levels prescribed in Schedule 1; or
 - (ii) in accordance with an approved noise management plan that forms part of the licence.³
- (b) Specified features of the internal layout and design of the premises are not altered without the local government's consent when amplified music is being played.
- (c) Noise limiting devices must be installed and operated at the premises.
- (d) Noise monitoring must be carried out and recorded.

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 on 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. Noise levels within amplified music venues may also be regulated by other legislation, compliance with which may impose requirements other than those under this subordinate local law. Example—*Work Health and Safety Regulation 2011* (Qld) section 57 (Managing risk of hearing loss from noise).

² In accordance with sections 7(1)(b) and 7(2), these levels will be determined by an assessment of the capacity of the venue to meet the criteria for external emissions prescribed in Schedule 1.

³ A noise management plan permits an amplified music venue to play amplified music at internal levels that may exceed the default maximum level prescribed in Schedule 1.

- (e) Noise monitoring records must be provided upon request by an authorised person.
- (f) If a noise management plan forms part of the licence—the requirements of the approved noise management plan must be complied with.
- (g) If the local government under section 9(5) changes a condition specifying the particulars of the approved noise management plan to be complied with —
 - (i) the noise management plan must be changed in accordance with the notice given by the local government; and
 - (ii) the changed noise management plan must be complied with.
- (h) The holder of the licence must notify the local government in writing within 7 days if there is any change in the identity of—
 - (i) the person who keeps the amplified music venue open to the public; and
 - (ii) any person who manages the amplified music venue.

Part 3 Noise management and measurement

9 Noise management plans

- (1) For the purposes of section 16 of *Local Law No. 16 (Licensing) 2008* the person operating the amplified music venue may be required to keep implemented at all times a noise management plan.
- (2) A noise management plan, if approved by the local government for the operation of an amplified music venue, permits an amplified music venue to play amplified music at internal levels that may not satisfy the criteria for external noise emissions prescribed in Schedule 1.
- (3) A noise management plan—
 - (a) must—
 - (i) list actions which the holder of the licence will take to minimise the emission of noise from amplified music at the premises during the period of the plan; and
 - (ii) state a timetable for carrying out the actions; and
 - (iii) make provision for monitoring and recording compliance with the plan, being records for the purposes of section 15 of *Local Law No. 16 (Licensing) 2008*; and

- (b) without limiting the generality of subsection (a), may address matters including—
 - (i) the location and height of a stage; and
 - (ii) the location and height of speakers; and
 - (iii) the direction of speakers; and
 - (iv) the closure of doors and windows; and
 - (v) details of the sound system; and
 - (vi) noise measurement procedures; and
 - (vii) hours of operation.
- (4) Subject to subsection (5), a noise management plan commences and expires on the same dates as the licence for the operation of the amplified music venue commences and expires.
- (5) For the purposes of section 10(1) of *Local Law No. 16 (Licensing) 2008*, the local government may, at any time during the term of a licence, change a condition of a licence specifying the particulars of the approved noise management plan to be complied with.

10 Measurement of noise emissions

- (1) Compliance with a noise level specified in a condition of a licence for the operation of an amplified music venue will be determined by noise measurements carried out by an authorised person at the measurement point specified in the licence.
- (2) In Schedule 1—
 - (a) $L_{Ceq,T}$ is the C-weighted equivalent continuous sound pressure level during measurement time T, where T equals 3 minutes; and
 - (b) $L_{Zeq,T}$ is the Z-weighted equivalent continuous sound pressure level during measurement time T, where T equals 3 minutes.

Schedule 1 Default maximum levels of external emission of noise from amplified music

Day and time	Amplified music noise level limit (Venue) ¹	Amplified music noise level limit (Residential premises) ²	
		In a bedroom of a residential premises	In a living room of a residential premises
10am to midnight Friday and Saturday, and 10am to 11:30pm Sunday to Thursday	$L_{Ceq,T}$ 88 dB if in special entertainment precinct established core	$L_{Zeq,T}$ 43 dB in any one-third octave band between and including 31.5 Hz and 125 Hz	$L_{Zeq,T}$ 45 dB in any one-third octave band between and including 31.5 Hz and 125 Hz
	$L_{Ceq,T}$ 85 dB if in special entertainment precinct emerging core		
All other times	$L_{Ceq,T}$ 65 dB and $L_{Zeq,T}$ 55 dB in any one-third octave band between and including 31.5 Hz and 125 Hz.		

Note—

- ¹ At any point 1 metre external to the amplified music venue premises.
- ² In a bedroom or living room of a residential or short-term accommodation premises that is located in the same building as the amplified music venue, or which is separated from the venue building by a distance of 5 metres or less. This does not apply where a short-term accommodation premises and amplified music venue are within the same building and are owned and operated by the same entity.

Residential premises has the same meaning as in the Southport Priority Development Area Development Scheme Schedule 2: Definitions.

Schedule 2 Dictionary

section 4

development approval has the meaning given in the *Planning Act 2016*.

licensed premises has the meaning given in the *Liquor Act 1992*.

played in relation to amplified music at an amplified music venue means amplified music emitted from both live and recorded sources.

special entertainment precinct means an area identified by the local government's planning scheme as a special entertainment precinct for the purposes of the *Local Government Act 2009*, section 264.

special entertainment precinct emerging core means an area identified by the local government's planning scheme as special entertainment precinct emerging core.

special entertainment precinct established core means an area identified by the local government's planning scheme as special entertainment precinct established core.

PDA development approval has the meaning given in the *Economic Development Act 2012*.

planning scheme means the Gold Coast City Plan 2016 as amended from time to time and any subsequent planning scheme made by the local government under the *Planning Act 2016*.