

# **Subordinate Local Law No. 16.3**

## **(Entertainment Venues) 2008**

**Consolidated version**

**Reprint No. 1**

This and the following 16 pages is a certified copy of the CONSOLIDATED VERSION of  
*Subordinate Local Law No. 16.3 (Entertainment Venues) 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

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# Council of the City of Gold Coast Subordinate Local Law No. 16.3 (Entertainment Venues) 2008

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# **Council of the City of Gold Coast Subordinate Local Law No. 16.3 (Entertainment Venues) 2008**

## **Part 1 Preliminary**

### **1 Short title**

This subordinate local law may be cited as *Subordinate Local Law No. 16.3 (Entertainment Venues) 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 local law is to assist in the implementation of *Local Law No. 16 (Licensing) 2008* to—

- (a) ensure that entertainment venues comply with appropriate standards of health and safety; and
- (b) protect the amenity of areas in which entertainment venues are situated.

### **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 in respect of an entertainment venue which is an exempt entertainment venue.

### **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 an entertainment venue 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 where the operation of the entertainment venue is to be undertaken; and

- (b) the name, street address, telephone number, facsimile number and email address of the person who will be undertaking the operation of the entertainment venue; and
- (c) the trading name, street address, telephone number, facsimile number, email address, registered business name and Australian Company Name of the business under which the operation of the entertainment venue is to be undertaken; and
- (d) details of the operation of the entertainment venue including—
  - (i) the type of entertainment involved in the operation of the entertainment venue; and
  - (ii) a noise impact assessment which identifies the amplified and other noise sources and impacts on surrounding premises; and
  - (iii) a noise management plan, including—
    - (A) the arrangements for attenuating amplified noise levels and managing amplified and other noise sources; and
    - (B) procedures for responding to complaints; and
  - (iv) the number of employees and their categories regularly engaged in the operation of the entertainment venue; and
  - (v) the hours of operation of the entertainment venue; and
  - (vi) any ancillary activities such as the supply of liquor or food; and
  - (vii) the management of waste, including litter resulting from the operation of the entertainment venue, and waste water including the collection and disposal of wastes and waste water; and
- (e) a plan to scale and specifications of the operation of the entertainment venue showing—
  - (i) a floor plan; and
  - (ii) a site plan; and
  - (iii) each constituent section; and
  - (iv) the means of access to and egress from the entertainment venue and adjoining buildings; and
  - (v) the accommodating capacity in each section of the entertainment venue; and
  - (vi) the arrangement of noise sources, if any; and

- (vii) the location and area of all access ways; and
- (viii) the method of ventilation proposed; and
- (ix) the location, type and specifications for fire fighting installations; and
- (x) the location of sanitary facilities and their type; and
- (xi) the location and detail of all food operations including storage, preparation and sale; and
- (xii) the location and capacity of all onsite and offsite parking; and
- (f) details of the proposed inspection, monitoring and management programs; and
- (g) details of all public liability insurances held by the person operating the entertainment venue; and
- (h) evidence that all approvals under State or Commonwealth legislation required for or associated with the operation of the entertainment venue have been obtained.

## **7 Deciding application for a licence**

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

- (a) The operation of an entertainment venue 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 operation of entertainment venues 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 an entertainment venue<sup>1</sup>—

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<sup>1</sup> 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.

- (a) The operation of the entertainment venue must not detrimentally affect the amenity of neighbouring premises.
- (b) The operation of the entertainment venue must only be undertaken within the hours specified in the licence.
- (c) The hours of operation of the entertainment venue must not detrimentally affect the amenity of neighbouring premises.
- (d) The operation of the entertainment venue including any premises, building, structure, vehicle, facility or equipment must be maintained at all times—
  - (i) in good working order; and
  - (ii) in a good state of repair; and
  - (iii) in a clean and sanitary condition.
- (e) The operation of the entertainment venue must not constitute a nuisance under *Local Law No. 8 (Public Health, Safety and Amenity) 2008*.
- (f) The grounds of the entertainment venue must be maintained in a safe and tidy condition at all times.
- (g) All access ways and other areas to which the public has access within the entertainment venue must be maintained in a clean, tidy and sanitary condition at all times.
- (h) The person operating the entertainment venue must maintain a complaints hotline landline phone number for the duration of the operation of the entertainment venue.
- (i) The complaints hotline must be operated by—
  - (i) the holder of the licence; or
  - (ii) an authorised representative of the holder of the licence who—
    - (A) is familiar with the locality of the surrounding area; and
    - (B) is aware of any noise restrictions imposed on the operation of the entertainment venue; and
    - (C) has the authority to instruct the sound engineers to reduce the sound pressure levels, if necessary; and
    - (D) is aware of the conditions of the licence.
- (j) The complaints hotline must be operated in a location that allows for the efficient and effective processing of any complaints received.

- (k) Details of all complaints received must be faxed to the local government—
  - (i) within 24 hours of the conclusion of the operation of the entertainment venue; or
  - (ii) when the operation of the entertainment venue takes place over a number of days, at the conclusion of each day.
- (l) If the number of complaints received exceeds 20 for any day, the holder of the licence must immediately notify the local government.
- (m) Prior to the commencement of the activity, the person operating the entertainment venue must notify any person that may be affected by the operation of the entertainment of the locations, dates, times and nature of the activity, the complaints hotline phone number, proposed security measures and any changed traffic arrangements as a result of the activity, by one or more of the following means—
  - (i) placing a public notice in a newspaper circulating generally in the areas that may be affected by the operation of the entertainment venue; or
  - (ii) conducting a letterbox drop in the areas that may be affected by the operation of the entertainment venue; or
  - (iii) placing a written notice in a location specified by the local government.
- (n) The person operating the entertainment venue must hold a broadform public liability insurance policy on those terms and conditions as regulated by the local government from time to time.
- (o) Amplified noise from the operation of the entertainment venue must be directed away from a noise sensitive place.
- (p) A contaminant must not be released to the environment as part of the operation of the entertainment venue if the release may cause environmental harm unless such release is specifically authorised by the *Environmental Protection Act 1994*.
- (q) All objects (including vehicles and machinery) which are dismantled as part of the operation of the entertainment venue must be dismantled on a paved impervious surface which is unaffected by stormwater runoff, if possible.
- (r) 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.
- (s) Lighting used to illuminate any areas of the operation of the entertainment venue must be angled or shaded in such a manner that the light does not cause a nuisance.
- (t) The operation of the entertainment venue must be kept free of pests and conditions offering harbourage for pests.
- (u) Adequate crowd, traffic and parking control and security measures must be implemented.
- (v) If the operation of the entertainment venue involves the use of animals—
  - (i) all animals kept on the premises must be housed or displayed in a suitable enclosure which is located at least 10 metres from a dwelling unit or premises used for the manufacture, preparation or storage of food for human consumption, other than food sealed in hermetically sealed packages; and
  - (ii) spilled feed and other wastes must be immediately collected and disposed of in a waste container.
- (w) Adequate levels of fresh air must be maintained for the public in accordance with the *Building Act 1975*.
- (x) Adequate lighting levels must be maintained in accordance with the *Building Act 1975*.
- (y) Adequate means of evacuation must be maintained as part of the operation of the entertainment venue.
- (z) All emergency services must be notified of the operation of the entertainment venue.
- (aa) Adequate space must be provided for all persons and the public involved in the operation of the entertainment venue.
- (ab) The entertainment venue (including all fixtures, fittings, equipment, furniture and facilities) must be maintained in a clean, tidy, sanitary and hygienic condition.
- (ac) Water intended for use for domestic purposes as part of the operation of the entertainment venue must be from an approved water source.
- (ad) The water to be used in the operation of the entertainment venue must be of an appropriate quality to be used for that purpose.



- (ae) An adequate and continuous supply of water must be maintained to all toilet, bathroom, kitchen, laundry and drinking water facilities that form part of the operation of the entertainment venue.
- (af) An adequate and continuous supply of hot water must be maintained to all bathroom, kitchen and laundry facilities that form part of the operation of the entertainment venue.
- (ag) The water supply for drinking purposes must be potable water.
- (ah) All water supply connections must be carried out and maintained in accordance with any relevant approval.
- (ai) The holder of the licence must not change the water supply system without the prior notification of the local government and the approval of an authorised person.
- (aj) Adequate shower, toilet and ablution facilities specified by the local government must be provided as part of the operation of the entertainment venue.
- (ak) Adequate sanitary conveniences as authorised by the local government and sanitary facilities must be provided to service the operation of the entertainment venue.
- (al) Sanitary conveniences as authorised by the local government and sanitary facilities must be kept open during the hours of operation of the entertainment venue and signs must be erected indicating the location of the sanitary facilities.
- (am) Waste containers sufficient to accommodate the collection and storage of all waste generated as part of the operation of the entertainment venue must be provided in the manner and locations specified by the local government.
- (an) Waste containers that are provided as part of the operation of the entertainment venue must at all times be regularly cleaned and maintained in a clean, tidy, sanitary and hygienic condition.
- (ao) All waste (including waste water) generated as part of the operation of the entertainment venue 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*.
- (ap) All waste generated as part of the operation of the entertainment venue must be disposed of in a manner which maintains the operation of the entertainment venue and its surrounds in a clean, tidy, sanitary and hygienic condition.
- (aq) All waste water generated during or from the operation of the entertainment venue must be discharged safely to the sewerage system or

- an on-site sewerage facility or in another manner approved by the local government.
- (ar) Human waste from the operation of the entertainment venue must be disposed of at a dedicated sanitary facility, a sanitary convenience as authorised by the local government, the sewerage system, an on-site sewerage facility or in another manner approved by the local government.
  - (as) Waste from the operation of the entertainment venue must not be disposed of into the stormwater system, waters or a watercourse.
  - (at) Adequate signage must be exhibited as part of the operation of the entertainment venue in the manner and locations specified by the local government.
  - (au) The evacuation plan and procedures for the operation of the entertainment venue must be displayed in the manner and locations specified by the local government or otherwise so that it can be viewed by members of the public.
  - (av) Any premises, building, structure, facility or equipment which is part of the operation of the entertainment venue the subject of the licence must not be changed in any respect without the prior notification of the local government and the approval of an authorised person.
  - (aw) The holder of the licence must not carry out building work in relation to the entertainment venue without the prior written approval of an authorised person.
  - (ax) Any structure erected as part of the operation of the entertainment venue must be removed at the completion of the activity.
  - (ay) Any building or structure that forms part of the entertainment venue must comply with the *Building Act 1975* and the *Building Regulation 2006*.
  - (az) The operation of any regulated activity as part of the operation of the entertainment venue the subject of this licence must be the subject of a separate licence under *Local Law No. 16 (Licensing) 2008*.
  - (ba) The operation of the entertainment venue 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 person operating the entertainment venue; and
- (b) the records must contain details of—
  - (i) the date, time and manner in which—
    - (A) the fire safety installation and ventilation systems of the entertainment venue have been serviced; and
    - (B) any other structure or thing associated with the operation of the entertainment venue has been serviced or repaired; and
  - (ii) any complaints or other issues which arise in respect of the operation of the entertainment venue, including any actions taken by the holder of the licence to address the complaint or issue; and
  - (iii) any other approvals granted in respect of the operation of the entertainment venue; and
  - (iv) compliance with a fire safety maintenance program; and
  - (v) a current electrical safety certificate; and
- (c) the records must be kept for a period of seven years.

*Example of paragraph (b)(ii)—*

The number of toilet facilities provided at the entertainment venue may have been inadequate for the number of people present at the entertainment venue. The holder of the licence must keep a record of the lack of toilet facilities and any action taken by the holder of the licence to make more toilet facilities available.

### **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 person operating an entertainment venue may be required to maintain—

- (a) a cleaning and sanitation management program; and
- (b) a ventilation system maintenance program; and

- (c) a noise management program; and
- (d) a drinking water quality monitoring program; and
- (e) a complaints register containing—
  - (i) the name, address and contact details of the complainant; and
  - (ii) the details of the complaint; and
  - (iii) whether the complainant received notice of the operation of the entertainment venue; and
  - (iv) any actions taken by the holder of the licence to address the complaint or issue.

## Schedule            Dictionary

### section 4

**accommodating capacity** means the number of persons that can be accommodated in a section of an entertainment venue in accordance with the *Building Act 1975*.

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

**approved water source** means a potable water source approved by the local government and may include a nominated reticulated water delivery point and a recognised water source.

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

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

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

**domestic purposes** means the purposes of—

- (a) human consumption; or
- (b) food preparation; or
- (c) washing; or
- (d) other normal domestic duties.

**educational establishment** has the meaning given in the local government's planning scheme.

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

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

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

**exempt entertainment venue** means an entertainment venue which is—

- (a) premises belonging to or used by an educational establishment or by a religious body or denomination in connection with a place of worship which is used solely for—
  - (i) educational instruction; or

- (ii) a meeting for religious worship or instruction; or
- (iii) a tea meeting, concert, lecture or entertainment held in connection with an educational establishment or denominational religious body; or
- (iv) an athletic game or competition; or
- (b) a public sports ground or the like which is—
  - (i) not used or let for private gain; and
  - (ii) used for the playing of an athletic game or competition; or
- (c) a building or part of a building accommodating not more than 30 persons; or
- (d) premises operated as a shop; or
- (e) premises operated as a restaurant; or
- (f) premises operated as a resort hotel; or
- (g) located within the premises of a shop, a restaurant or a resort hotel; or
- (h) not a temporary use; or
- (i) another purpose—
  - (i) which, in the opinion of the local government, will have a significant financial benefit for the community; or
  - (ii) if the proceeds of the entertainment venue, if any, are applied to a purpose which, in the opinion of the local government, is a charitable, patriotic, national or other public purpose.

***fire safety installation*** has the meaning given in the *Building Act 1975*.

***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*.

***human waste*** means urine and faeces from human beings.

***noise sensitive place*** has the meaning given in the *Environmental Protection (Noise) Policy 2008*.

***on-site sewerage facility*** has the meaning given in the *Plumbing and Drainage Act 2002*.

***place of worship*** has the meaning given in the local government's planning scheme.

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

***potable water*** means water that is acceptable for human consumption.

***recognised water source*** means a source of water recognised in writing by the local government as—

- (a) complying with the Australian Drinking Water Guidelines prepared by the National Health and Medical Research Council and the Agricultural Resources Management Council of Australia and New Zealand; or
- (b) being suitable for domestic purposes.

***resort hotel*** has the meaning given in the local government's planning scheme.

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

***sanitary convenience*** has the meaning given in the *Environmental Protection Act 1994*.

***sanitary facility*** includes the matters (such as shower, toilet and ablution facilities) specified in the *Building Code of Australia*.

***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*.

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

**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 *Local Law No. 8 (Public Health, Safety and Amenity) 2008*.

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

**water source** means the source from which water is obtained.

**water supply system** has the meaning given in the *Standard Plumbing and Drainage Regulation 2003*.