

Gold Coast City Council



Subordinate Local Law No. 7.5 (Business on Public Places other than Council Facilities) 2008

It is hereby certified that this is a true and correct copy of
Subordinate Local Law No. 7.5 (Business on Public Places other than Council Facilities) 2008 made, in accordance
with the *Local Government Act 1993*, by the Council of the City of Gold Coast

Joe McCabe
Acting Chief Executive Officer

**Gold Coast City Council
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(Business on Public Places other than Council Facilities) 2008**

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Repealed (Gazette 2/5/2014)

Gold Coast City Council Subordinate Local Law No. 7.5 (Business on Public Places other than Council Facilities) 2008

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 7.5 (Business on Public Places other than Council Facilities) 2008*.

2 Authorising local law

This subordinate local law is made pursuant to *Local Law No. 7 (Council Property and Other Public Places) 2008*.

3 Object

The object of this subordinate local law is to assist in the implementation of *Local Law No. 7 (Council Property and Other Public Places) 2008* by ensuring that public health and safety is protected as a result of the conduct of a business on a public place (other than a council facility).

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 Permit

5 Permitted business

For the purposes section 11(b)(i) (Regulation of business in a public place) of *Local Law No. 7 (Council Property and Other Public Places) 2008*, a permit may be sought for a permitted business.

6 Application for a permit

For the purposes of section 16(1)(c)(iv) (Application for a permit) of *Local Law No. 7 (Council Property and Other Public Places) 2008*, an application for a permitted business must (unless otherwise specified by the local government) be accompanied by—

- (a) the name, address and telephone number, facsimile number and email address of the person to be carrying on the permitted business; and

- (b) the trading name, street address, telephone number, facsimile number, email address, registered business name and ACN of the business under which the permitted business is to be carried on; and
- (c) a copy of the registration certificate of any vehicle used in the permitted business; and
- (d) details of the permitted business including (to the extent applicable)—
 - (i) the nature and type of the goods or services to be supplied; and
 - (ii) the time and places at which the goods or services will be supplied; and
 - (iii) the method of sale of goods or services to be supplied; and
 - (iv) all public liability insurance policies relating to the permitted business; and
 - (v) the proposed term of the permit; and
 - (vi) the impact, if any, on pedestrian or vehicular movements; and
 - (vii) the total seating capacity of the permitted business; and
 - (viii) the numbers and types of sanitary facilities and sanitary conveniences available to be used to service the permitted business; and
 - (ix) the materials, equipment and vehicles to be used in the permitted business; and
- (e) a plan to scale or map showing—
 - (i) the relevant part of the public place that is to be used for the permitted business including the dimensions of the public place that is to be used for the permitted business; and
 - (ii) the physical proximity between the relevant part of the public place that is to be used for the permitted business and any existing premises used for the permitted business; and
 - (iii) the number and proposed location of any tables, chairs, shade structures, goods or other equipment to be used in respect of the permitted business; and
 - (iv) the type and location of any utility, service or infrastructure adjacent to the public place to be used for the permitted business; and

- (v) any plants to be located in the public place used for the proposed permitted business.

7 Grant of a permit

For the purposes of section 17(1)(g) (Grant of a permit) and the Schedule (Dictionary) of *Local Law No. 7 (Council Property and Other Public Places) 2008*, the local government may grant a permit for a permitted business if satisfied that—

- (a) the matters which are the subject of the conditions specified in section 9 (Conditions of a permit) of this subordinate local law which are relevant to the operation of the permitted business can be adequately addressed by the imposition of those conditions; and
- (b) the applicant for a permit for a permitted business has complied with any applicable development approval.

8 Term of a permit

For the purposes of section 18(1)(b) (Term of a permit) of *Local Law No. 7 (Council Property and Other Public Places) 2008*, the term of a permit for a permitted business shall be from the date of issue until the 30th day of the following June unless otherwise specified in the permit.

9 Conditions of a permit

- (1) For the purposes of section 19(3) (Conditions of a permit) of *Local Law No. 7 (Council Property and Other Public Places) 2008*, the local government may impose all or any of the following conditions on a permit for a permitted business—
 - (a) The operation of the permitted business must not detrimentally affect the amenity of neighbouring premises.
 - (b) The hours of operation of the permitted business must not detrimentally affect the amenity of neighbouring premises.
 - (c) The operation of the permitted business must, unless otherwise varied by an authorised person, be limited to between the hours of—
 - (i) 8.00 am to 8.00 pm Monday to Saturday; and
 - (ii) 9.00 am to 8.00 pm Sunday; and
 - (iii) 10.00 am to 6.00 pm public holidays.
 - (d) The operation of the permitted business must not—
 - (i) create a traffic problem; or

- (ii) increase an existing traffic problem; or
 - (iii) detrimentally affect the efficiency of the existing road network; or
 - (iv) obstruct pedestrian movement.
- (e) The operation of the permitted business must not constitute a risk to road safety or the safety of pedestrians.
- (f) The operation of the permitted business including all premises, buildings, structures, vehicles, facilities 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.
- (g) A person must not camp in a place that is part of the operation of a permitted business if that place is not nominated for that purpose in the permit.
- (h) The operation of the permitted business must not cause an odour nuisance to neighbouring premises.
- (i) The operation of the permitted business must not constitute a nuisance under *Local Law No. 8 (Public Health, Safety and Amenity) 2008*.
- (j) Adequate car parking must be provided for all persons and the public involved in the operation of the permitted business.
- (k) The operation of the permitted business must not involve storage in the open of goods, materials or activities associated with the operation of the permitted business.
- (l) Adequate means of entry and exit must exist for people and vehicles to safely enter and leave the permitted business.
- (m) The grounds of the permitted business must be maintained in a safe and tidy condition at all times.
- (n) A vehicle used in the permitted business must—
 - (i) be kept in accordance with the local government's planning scheme; and

- (ii) not be repaired or maintained on any premises other than in accordance with the planning scheme; and
 - (iii) be stored in a manner that does not cause a nuisance to adjoining premises.
- (o) All accessways and other areas to which the public has access within the permitted business must be maintained in a clean, safe and tidy and sanitary condition at all times.
- (p) No amplified noise must be generated as part of the operation of the permitted business.
- (q) A contaminant must not be released to the environment as part of the operation of the permitted business where the release may cause environmental harm unless such release is specifically authorised by the *Environmental Protection Act 1994*.
- (r) An air compressor used as part of the operation of the permitted business must be fitted with inlet and exhaust silencers and enclosed in an effective acoustic enclosure.
- (s) All objects (including vehicles and machinery) which are dismantled as part of the operation of the permitted business on the premises of the person operating the permitted business must be dismantled undercover on a paved impervious surface which is unaffected by stormwater runoff.
- (t) An extension telephone bell, open air address system or similar device must not be used as part of the operation of the permitted business.
- (u) Only rainwater from uncontaminated areas shall drain directly into the stormwater system.
- (v) A spillage of a waste, contaminant or other material must—
 - (i) be cleaned up immediately; and
 - (ii) not be cleaned up by hosing, sweeping or otherwise releasing such waste, contaminant or material to any stormwater system or waters.
- (w) Lighting used to illuminate any areas of the permitted business must be angled or shaded in such a manner that the light does not cause a nuisance.
- (x) The operation of the permitted business must not attract fly breeding or vermin infestation.

- (y) The operation of the permitted business must be kept free of pests and conditions offering harbourage for pests.
- (z) Overcrowding must not be permitted to occur as part of the operation of the permitted business.
- (aa) No animal, other than a guide dog, is allowed within the operation of the permitted business unless approved by an authorised person.
- (ab) Adequate space must be provided for all persons and the public involved in the operation of the permitted business.
- (ac) All public access areas that are part of the operation of the permitted business must be maintained at all times in a clean, tidy, sanitary and hygienic condition.
- (ad) The permitted business (including all fixtures, fittings, equipment and facilities) must be maintained in a clean, tidy, sanitary and hygienic condition.
- (ae) Water intended for use for domestic purposes as part of the operation of the permitted business must be from an approved water source.
- (af) The water to be used in the operation of the permitted business must be of an appropriate quality to be used for that purpose.
- (ag) The water supply for drinking purposes must be potable water.
- (ah) The holder of the permit must not change the water supply system without the prior notification of the local government and approval of an authorised person.
- (ai) Adequate storage must be provided for all hazardous materials stored or used as part of the operation of the permitted business.
- (aj) All hazardous materials must be stored and used in a safe manner as part of the operation of the permitted business.
- (ak) Waste containers sufficient to accommodate the collection and storage of all waste generated as part of the operation of the permitted business must be provided in the manner and locations specified by the local government.
- (al) Waste containers that are provided as part of the operation of the permitted business must at all times be regularly cleaned and maintained in a clean, tidy, sanitary and hygienic condition.

- (am) Waste containers that are provided as part of the operation of the permitted business must be designed and constructed to prevent access to pests and to be easily and effectively cleaned and disinfected.
- (an) All waste (including waste water) generated as part of the operation of the permitted business must be disposed of in a safe and sanitary manner and in accordance with the *Environmental Protection Act 1994* and the *Plumbing and Drainage Act 2002*.
- (ao) All waste generated as part of the operation of the permitted business must be disposed of in a manner which maintains the operation of the permitted business and its surrounds in a clean, tidy, sanitary and hygienic condition.
- (ap) All waste water generated during or from the operation of the permitted business must be discharged safely to the sewerage system or an on-site sewerage facility.
- (aq) Human wastes from the operation of the permitted business must be disposed of at a dedicated sanitary facility, sewerage system or an on-site sewerage facility.
- (ar) Access must be maintained to sanitary conveniences or sanitary facilities which are sufficient to service the permitted business during the hours of operation of the permitted business.
- (as) Trade waste from the operation of the permitted business must be disposed of in accordance with an approval under the *Water Act 2000*.
- (at) Waste water from the permitted business must be collected and released to—
 - (i) a discharge point approved by the local government; or
 - (ii) land in such a way that it will not enter the stormwater system or waters.
- (au) Waste generated as part of the operation of the permitted business must be kept so as not to attract pests.
- (av) Waste from the operation of the permitted business must not be disposed of into the stormwater system, waters or a watercourse.
- (aw) The permit issued by the local government, the local government issuing the permit and the permitted business must be prominently and permanently displayed in letters and numbers not less than 100mm in height at locations specified by the local government to enable it to be viewed by members of the public, e.g. *GCCC – Permitted business [insert permit number]*.

- (ax) The trading name and telephone number of the holder of the permit must be prominently and permanently displayed in letters and numbers not less than 75mm in height at locations specified by the local government to enable it to be viewed by members of the public.
- (ay) Any premises, building, structure, vehicle, facility or equipment that is part of the operation of the permitted business the subject of the permit must not be changed in any respect without the prior notification to the local government and approval of an authorised person.
- (az) The operation of the permitted business must be limited to the locations specified in the permit.
- (ba) The operation of the permitted business must comply with the *Food Act 2006*.
- (bb) The operation of the permitted business must comply with the *Environmental Protection Act 1994*, the *Environmental Protection Regulation 1998*, the *Environmental Protection (Waste Management) Regulation 2000*, the *Environmental Protection (Water) Policy 1997*, the *Environmental Protection (Noise) Policy 1997* and the *Environmental Protection (Air) Policy 1997*.
- (bc) The operation of any prescribed activities as part of the permitted business the subject of this permit must be the subject of separate permits under *Local Law No. 16 (Licensing) 2008*.
- (bd) The operation of the permitted business must not breach a provision of a local law or a subordinate local law.
- (be) The operation of the permitted business must comply with—
 - (i) any relevant development approval; and
 - (ii) the provisions of the planning scheme and any relevant planning scheme policy.
- (bf) A security in the form and amount specified by the local government must be provided to secure compliance with the conditions of the permit.

Part 3 Enforcement

10 Records to be kept

For the purposes of section 27(2)(b) (Inspection of a prescribed activity) of *Local Law No. 7 (Council Property and Other Public Places) 2008*, the person operating the permitted business must (unless otherwise required by the local government) keep details of any public liability insurance policies relating to the carrying on of

the permitted business.

11 Inspection, monitoring or management program

For the purposes of section 27(4)(b) (Inspection of a prescribed activity) of *Local Law No. 7 (Council Property and Other Public Places) 2008*, the person operating the permitted business must (unless otherwise required by the local government) maintain a management program demonstrating that the operation of the permitted business complies with the permit.

Repealed (Gazette 2/5/2014)

Schedule Dictionary

section 4

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 recognized water source.

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

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

development has the meaning given in the *Integrated Planning Act 1997*.

development approval has the meaning given in the *Integrated Planning Act 1997*.

domestic purposes means the purposes of—

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

environment has the meaning given in the *Integrated Planning Act 1997*.

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

guide dog has the meaning given in the *Guide Dogs Act 1972* and includes a guide dog trainee as defined in the *Guide Dogs Act 1972*.

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 1997*.

human waste means urine and faeces from human beings.

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

permitted business means business (other than involving the sale of a vehicle).

pest includes vermin and insects.

planning scheme has the meaning given in the *Integrated Planning Act 1997*.

planning scheme policy has the meaning given in the *Integrated Planning Act 1997*.

potable water means water that is acceptable for human consumption.

sale includes—

- (a) barter; or
- (b) exchange; or
- (c) offering or exposing for sale; or
- (d) receiving or having in possession for sale; or
- (e) sending, forwarding or delivering for sale.

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 Drugs 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 (being waters other than ground waters); or
- (d) any other land or structure that is used to convey or store stormwater.

surface water means water other than groundwater.

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 the *Environmental Protection Act 1994*.

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 the *Water Act 2000*.

waters include—

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

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*.