

GOLD COAST CITY COUNCIL



LOCAL LAW NO 23

(LIMITATION OF HOURS OF BUILDING
AND CONSTRUCTION WORK)

REPEALED (GAZETTED 19/12/08)

**GOLD COAST CITY COUNCIL
LOCAL LAW NO. 23
(LIMITATION OF HOURS OF BUILDING
AND CONSTRUCTION WORK)**

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Citation

1. This local law may be cited as Gold Coast City Council Local Law No. 23 (Limitation of Hours of Building and Construction Work).

Objects

2. The objects of this local law are to:-
 - (a) regulate the hours during which building work or construction work is carried out; and
 - (b) to protect public health and safety and convenience by eliminating or reducing nuisances including excessive noise.

Definitions

3. In this part unless the context otherwise indicates or requires the following terms have the meanings set against them respectively, namely:-

“Authorised Person” means a person authorised by the Council to exercise the powers of an authorised person under this local law.”

“the area” - the City of Gold Coast;

“the Act” - the Local Government Act 1993 as from time to time amended;

“the Building Act” - the Building Act 1975 as from time to time amended;

“the Environmental Protection Act” – the Environmental Protection Act 1994 as from time to time amended;

“the Building Local Laws” - the Standard Building Local Laws made pursuant to the Building Act;

“building work” - the building work as defined in the Building Act; and

“construction work” - any and every work of any kind associated with the construction and erection of any building or structure other than building work (including, without limitation, the delivery and unloading of building material, construction or demolition of concrete paving, use of mechanical or motorised cement mixers, and any and every process forming part of the work of producing a building), earthworks, roadworks, drainage works, sewerage works and work of any kind (other than building work).

“excessive noise” includes any noise emitted from premises outside the hours during which work may be carried out on the site pursuant to the relevant approval.

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4. (1) If any provision of this local law of the application thereof to any person or circumstances is held to be invalid that invalidity shall not affect any other provision or application of this local law which can be given effect to without the invalid provision or application, and the provisions of this local law shall be deemed severable accordingly.

Administration

5. A restriction pursuant to this local law imposed on hours during which building work or construction work may be carried out may be imposed by the Council by resolution either for a particular purpose or in respect of a particular application for approval of building work or approval of construction work or generally and every general restriction shall apply to all building work and all construction work whether or not commenced on or before the date of the resolution.
6. Where the Council imposes a restriction on the hours during which building work or construction work may be carried out (otherwise than by a resolution having general application to all building work or all construction work or both) it shall give notice of that restriction by endorsement on its written approval of the hours during which and the days of the week on which the work the subject of the approval may be carried out.
7. A person shall not cause or suffer or permit excessive noise to be emitted from any premises in the area which is being used solely in connection with the erection or demolition or renovation of a single residential unit or two residential units.
8. Unless and until the Council has determined otherwise by resolution either generally or in a particular case a person shall not carry out building work or construction work in the area except between the hours of 7.00 a.m. and 6.00 p.m. on weekdays and Saturdays PROVIDED ALWAYS that whenever and during such time as there is in force in the State of Queensland an Act of the Parliament of Queensland requiring the time during a specified period to be one hour in advance of the time declared by the Standard Time Act 1894 to be standard time throughout Queensland, work may during that specified period be continued until 7.00 p.m. on weekdays and Saturdays. A person shall not carry out building work or construction work on a Sunday or Good Friday or Christmas Day.
9. (1) A person who desires that the Council should by resolution appoint hours other than those prescribed in the immediately preceding Section during which that person may carry out or cause to be carried out building work or construction work may make application to the Council in the form prescribed by an Authorised Person.

Such application shall be in writing and shall state the nature of the work proposed, the location of the site of the work, the reasons for the request, and such further information as an Authorised Person may require. The application may be made contemporaneously with the application for approval of the work or at any time thereafter during the course of performance of that work. If the application is made contemporaneously with the application for approval then the hours of work shall be identified by endorsement on the Notice of Approval of the work, and if the application is made at a later stage and approved the Council shall give written notice to the applicant of the approved hours.

- (2) The Council may by resolution at any time and from time to time vary the hours during which building work and construction work or building work or construction work may be carried out in the area either generally or in relation to particular building work or

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particular construction work or work on any particular building site or construction site notwithstanding that any such work has been commenced pursuant to a building approval in relation to which the Council has appointed hours during which work may be performed. Written notice of any and every such resolution will be given by an Authorised Person to any and every person shown by the Council's records to be carrying out approved building work or construction work affected by that resolution. The restriction contained in the resolution will apply on and after the second day following but excluding the date of delivery of the aforesaid written notice. Without affecting in any way any other permitted means of service of notice, the Council may serve notice pursuant to this local law by attaching the same to a part of the construction the subject of the work to which the notice applies in such a place and in such a manner that is likely to come to the attention of some person or persons performing the said work.

- (3) The power to grant an application under Section 9(1) of this local law and the power to vary hours of work under Section 9(2) (but not any power under Section 5) of this Local Law relative to construction work is hereby delegated to the Council's Authorised Person and relative to building work and construction work associated with or ancillary to building work to an Authorised Person but such delegation shall not and does not prevent the Council from itself deciding an application pursuant to the said Section 9(1) or imposing a restriction under Section 9(2) either generally or for a specific purpose or in response to a specific application and if the Council does make such a decision then there is no delegation to an Authorised Person in respect of that application. Notice of every variation made by an Authorised Person must be given in the same manner and shall have the same effect as if such variation had been effected by a resolution of the Council.

Offences

10. A person who in any respect contravenes or fails to comply with a provision of this local law is guilty of an offence.
- Maximum Penalty Units: 20 Penalty Units
11. Any offence under this local law may be prosecuted in a summary way under the *Justices Act 1866* as from time to time amended.
12. Any right or remedy had by the Council in respect of any act or omission or by any person shall not be prejudiced or affected in any way by the fact that such act or omission constitutes an offence under this local law for which no person has been prosecuted.
