

Subordinate Local Law No. 9.1 (Parks and Reserves) 2008

Consolidated version

| Reprint No. [23](#)

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| *Subordinate Local Law No. 9.1 (Parks and Reserves) 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 ~~41 December 2015~~ [# 2016](#)

Dale Dickson
Chief Executive Officer

**Council of the City of Gold Coast
Subordinate Local Law No. 9.1
(Parks and Reserves) 2008**

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Council of the City of Gold Coast Subordinate Local Law No. 9.1 (Parks and Reserves) 2008

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 9.1 (Parks and Reserves) 2008*.

2 Authorising local law

This subordinate local law is made pursuant to *Local Law No. 9 (Parks and Reserves) 2008*.

3 Object

The object of this subordinate local law is to assist in the implementation of *Local Law No. 9 (Parks and Reserves) 2008*.

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 Regulation of parks

Division 1 Access to parks

5 Access by public

For the purposes of section 7(1)(a) of *Local Law No. 9 (Parks and Reserves) 2008*, all parks are to be open to the public for 24 hours every day unless otherwise indicated by a sign exhibited in the park.

6 Designated vehicle

For the purposes of section 8(1)(a) of *Local Law No. 9 (Parks and Reserves) 2008*, a vehicle is a designated vehicle if it is—

- (a) a vehicle driven by an authorised person for the purpose of maintenance or enforcement; or
- (b) an emergency vehicle.

7 Designated vehicle area

- (1) For the purposes of section 8(1)(b) of *Local Law No. 9 (Parks and Reserves) 2008*, a made access road or car park within a park which is identified by a sign exhibited in the park is a designated vehicle area.

- (2) Notwithstanding subsection (1), a made access road or car park within a park is not a designated vehicle area if a locked gate or other similar structure is placed across the made access road or the entrance to the car park.

8 Restricted vehicles

- (1) For the purposes of the Schedule (Dictionary) of *Local Law No. 9 (Parks and Reserves) 2008*, the following are vehicles—
- (a) a skateboard; or
 - (b) a scooter; or
 - (c) rollerblades; or
 - (d) rollerskates.
- (2) For the purposes of section 8(1)(c) of *Local Law No. 9 (Parks and Reserves) 2008*, the following vehicles must not be driven, led, stood, wheeled or parked in a park—
- (a) a motorbike; or
 - (b) a trailer; or
 - (c) an off-road vehicle; or
 - (d) a vessel; or
 - (e) a power assisted cycle; or
 - (f) a quad bike; or
 - (g) earthmoving equipment; or
 - (h) a motorised cart or other similar device.

Division 2 Use of parks

9 Lighting fires

For the purposes of section 12(1)(f) of *Local Law No. 9 (Parks and Reserves) 2008*, an open fire may be lit in a park if the open fire is lit and maintained in accordance with—

- (a) a permit granted under the *Fire and Rescue Service Act 1990*; or
- (b) the exercise of a power under the *Fire and Rescue Service Act 1990*.

10 Specified lakes

For the purpose of section 13(3)(c) of *Local Law No. 9 (Parks and Reserves)*

2008, a person must not take water from a lake specified in Schedule 1 (Specified Lakes).

10A Excluded parks

Schedule 1A specifies—

- (a) areas of park and reserve which are designated as an excluded park for the purposes of section 15(1)(a) of *Local Law No. 9 (Parks and Reserves) 2008*; and
- (b) areas of excluded park where a person is prohibited from carrying on a permitted business or a permitted business of a specified type (a prohibited permitted business) and the times or days during which the prohibition applies for the purposes of section 15(1)(b) of *Local Law No. 9 (Parks and Reserves) 2008*.

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Part 3 Application of local law to public places

11 Public places other than a park

- (1) For the purposes of section 20(1)(b) of *Local Law No. 9 (Parks and Reserves) 2008*, the provisions of Part 3 (Regulation of parks) of *Local Law No. 9 (Parks and Reserves) 2008* are to apply to a public place—
 - (a) which is—
 - (i) a footpath or an unconstructed road; or
 - (ii) a foreshore which is under the control of the local government; or
 - (iii) a reserve; or
 - (iv) premises of which the local government is the owner or occupier; and
 - (v) premises which are managed or controlled by the local government; and
 - (b) which is not—
 - (i) a park; or
 - (ii) a bathing reserve as defined in *Local Law No. 10 (Bathing Reserves) 2004*; or
 - (iii) a road (other than a footpath or an unconstructed road); or
 - (iv) council property as defined in *Local Law No. 7 (Council Property) 2008*; or

- (v) a cemetery or a council cemetery as defined in *Local Law No. 13 (Cemeteries) 2008*.
- (2) This section does not apply to a permitted business which is a commercial fitness activity.

Part 4 Permits

12 Requirement for a permit

For the purposes of section 21(2)(a) of *Local Law No. 9 (Parks and Reserves) 2008*, a permit is not required in respect of the undertaking of a regulated activity, in a park or a public place which is not a park, which has been authorised by the prior written approval of the local government.

Example—

- The local government may issue a licence or a lease to a person to occupy a premises which is situated within a park.

13 Application for a permit for a permitted business

For the purposes of section 22(1)(c)(iv) of *Local Law No. 9 (Parks and Reserves) 2008*, unless otherwise specified by a local government an application for a permit for a permitted business must, to the extent applicable, be accompanied by—

- (a) the name, address, telephone number, facsimile number, email address, applicable qualifications and relevant experience of the person applying for the permit and all persons to be involved in the carrying on of the permitted business; and
- (b) the trading name, street address, telephone number, facsimile number, email address, registered business name and Australian Business Number of the business under which the permitted business is to be carried on; and
- (c) a copy of the registration certificate of any vehicle and registration details of any vessel used in the permitted business; and
- (d) details of the permitted business including—
 - (i) the nature of the permitted business; and
 - (ii) the time and places at which the permitted business will be carried out; and
 - (iii) the proposed hours of operation of the permitted business; 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 numbers and types of sanitary facilities and sanitary conveniences available to be used to service the permitted business; and
 - (viii) the materials, equipment, vehicles and vessels to be used in the permitted business; and
 - (ix) the estimated number of car parks required for the operation of the permitted business; and
 - (x) the estimated maximum number of clients or customers to attend the permitted business at any one time; and
 - (xi) any requirements for lighting or sound amplification; and
 - (xii) a schedule of proposed fees and charges for clients or customers; and
- (e) for a permitted business other than a commercial fitness activity, a plan or map to scale showing—
- (i) the relevant part of the park or reserve that is to be used for the permitted business including the dimensions of the park or reserve that is to be used for the permitted business; and
 - (ii) the physical proximity between the relevant part of the park or reserve 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 park or reserve to be used for the permitted business; and
- (f) a copy of a current prescribed notice (which is a positive notice) under the *Working with Children (Risk Management and Screening) Act 2000* in respect of the person to be carrying on the permitted business; and
- (g) a copy of all current public liability insurance policies held by the applicant relating to the operation of the regulated activity; and
- (h) any other information required by the local government.

14 Assessment criteria for a permitted business

For the purposes of Schedule (Dictionary) and section 23(1)(g) of *Local Law No. 9 (Parks and Reserves) 2008* a permitted business which is not a council endorsed

activity must comply with the following assessment criteria—

- (a) the matters which are the subject of the conditions specified in section 17 (Conditions of a permit) of this subordinate local law which are relevant to the undertaking 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; and
- (c) the permitted business promotes health, including physical or mental well-being (excluding a permitted business in paragraphs (a) to (k) of the definition of ‘permitted business’); and
- (d) the permitted business is provided in accordance with the local government’s parks and recreation plan; and
- (e) the proposed schedule of fees and charges for clients or customers is, in the opinion of the local government, reasonable and ensures that the permitted business is generally accessible to the public; and
- (f) the permitted business will be operated on a temporary basis; and
- (g) the operation of the permitted business—
 - (i) will not have an adverse impact on public access to and use of the park or reserve; or
 - (ii) will provide an economic benefit for the local government area; and
- (h) an approval has not been granted by the local government for the operation of a permitted business (excluding a commercial fitness activity) in the park or reserve which is the same as or similar in nature to the proposed activity; and
- (i) the applicant for a permit for a permitted business must hold a current prescribed notice (which is a positive notice) under the *Working with Children (Risk Management and Screening) Act 2000*; and
- (j) the permitted business (excluding a commercial fitness activity) will not impact on existing premises so as to cause a loss or diminution in the services or facilities that are available to the community; and
- (k) the applicant for a permit for a permitted business must hold a current broadform public liability insurance policy for not less than \$10,000,000 which names the local government as an insured party and which is otherwise on those terms and conditions as regulated by the local government from time to time.

- ~~(1) if the permitted business is an advertisement that is exhibited on land used for a sporting club, that the advertisement will—~~
 - ~~(i) where the advertisement is exhibited on a club house be—~~
 - ~~(A) of reasonable size in proportion to the club house to which it is attached; and~~
 - ~~(B) uniform in size, shape and form with other advertisements exhibited on the club house; and~~
 - ~~(C) arranged with other advertisements exhibited on the club house in a balanced and consistent manner and will not dominate the building or area; and~~
 - ~~(D) be painted on the rear with an approved Local Government colour.~~
 - ~~(ii) where the advertisement is a freestanding sign be—~~
 - ~~(A) of reasonable size in proportion to the area in which it is to be erected; and~~
 - ~~(B) uniform in size, shape and form with other advertisements exhibited on land used for the sporting club; and~~
 - ~~(C) arranged with other advertisements exhibited on the land in a balanced and consistent manner and will not dominate the building or area; and~~
 - ~~(iii) have on any face area, content that is corporate or commercial to a maximum proportion of 25% of the area of the wording, except where the sporting club can demonstrate that—~~
 - ~~(A) the corporate sponsorship is the primary means of funding for the sporting club; and~~
 - ~~(B) the sporting club does not contain gaming machines nor is it a licensed premises pursuant to the *Liquor Act 1992*; and~~
 - ~~(C) it is to be placed on an existing fence; and~~
 - ~~(iv) where the advertisement is to be placed on an existing fence, the advertisement is to—~~
 - ~~(A) face inwards to the field/playing area; and~~

- ~~(B) be uniform in size, shape and form with other advertisements exhibited on the land used for the sporting club; and~~
- ~~(m) if the permitted business is an advertisement related to an activity permitted under the local law, a short term event such as a fete, fair, activity or other event to be held at a location other than the park; or an activity otherwise approved by the local government, the advertisement is to—~~
 - ~~(i) be exhibited on a permitted banner site or other device approved by the local government for use on a park; and~~
 - ~~(ii) be exhibited by an entity which is recognized by the Australian Taxation Office as a non-profit, charity or health promotion organisation or public benevolent institution.~~

15 Prescribed criteria for a permitted business

- (1) For the purposes of the Schedule (Dictionary) and section 23(1)(h) of *Local Law No. 9 (Parks and Reserves) 2008*, a regulated activity which is a commercial fitness activity must comply with the following prescribed criteria—
 - (a) the commercial fitness activity must not be carried out—
 - (i) within—
 - (A) an off leash dog exercise area; or
 - (B) a car park; or
 - (C) a sports playing field or facility (unless with the prior approval of the local government); or
 - (D) an environmentally sensitive area including bushland, sand dunes, creek or river banks or an area which is undergoing rehabilitation or revegetation; or
 - (E) a protected area; or
 - (F) an area which is closed for works, maintenance or any other purpose; or
 - (G) an area in which the carrying out of the commercial fitness activity is likely to injure, endanger, obstruct, inconvenience or annoy other users of the park or reserve; or
 - (ii) within 20.5 metres of—
 - (A) a playground; or

- (B) an amenity building such as a toilet block, shower block or change room; or
 - (C) a memorial, picnic shelter, park bench or other park furniture (excluding equipment designed and intended to be used solely for fitness training purposes); or
 - (iii) within ~~1550~~ metres of—
 - (A) another commercial fitness activity which is being conducted at the time the commercial fitness activity commences; or
 - (B) any other users of the park or reserve who are stationary or settled prior to the commencement of the commercial fitness activity; or
 - (C) an area set aside by the local government (under an approval, a booking process or otherwise) for a group of people for a birthday party, wedding, corporate event, youth program or other similar event; or
 - (D) a person using a park or facility pursuant to a permit issued under section 11 (Public use) of *Local Law No. 9 (Parks and Reserves) 2008*; or
 - ~~(iv) within—~~
 - ~~(A)(iv) 100 metres of a noise sensitive place between 7:00 p.m. and 5:30 a.m. on any day; or~~
 - ~~(B) 50 metres of a noise sensitive place at any other time; or~~
 - (v) within an area that is predominantly used for pedestrian or vehicle movement including stairways, footpaths, bicycle paths and roads.
- (b) A person conducting a commercial fitness activity under a permit and any person taking part in a commercial fitness activity must not—
 - (i) use a megaphone, sound amplifier, radio, loud speaker, whistle or any other means of amplifying sound; or
 - (ii) behave in a riotous, disorderly, indecent, offensive, threatening, intimidating, aggressive or insulting manner; or
 - (iii) engage in conduct which in an authorised person's opinion interferes or is likely to interfere with the ordinary and reasonable use and enjoyment by another person of the park or reserve; or

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- (iv) for the purposes of the conduct of the activity, use 1 or more tyres, logs, sledgehammers, heavy barbells or dumb-bells (20kg plus), weight training benches, weight training machines, rowing machines or any other large load bearing or large resistance training equipment~~use metal bars, benches, logs, tyres, sledge hammers, heavy ropes, weight training machines or rowing machines or any other large load bearing or large resistance training equipment~~; or
- (v) suspend, or attach any equipment, including, for example, punching bags, kickboxing bags, ropes or resistance training equipment, to a tree, shrub or facility within a park or reserve (excluding ~~equipment~~ a facility designed and intended to be used solely for fitness training purposes); or
- (vi) engage in conduct which is prohibited conduct under section 13 of *Local Law No. 9 (Parks and Reserves) 2008*; or
- (vii) mark out an area which implies or is intended to imply, in an authorised persons opinion, a right to exclusive use of an area in the park or reserve; or
- (viii) erect or install a facility in, on, across or over a park without the prior written consent of the local government; or
- ~~(viii)~~(ix) pull, drag, drop or otherwise cause impact to the ground or a facility by the use of 1 or more barbells, dumb-bells, metal bars, heavy ropes (15kg plus) or similar load bearing equipment.
- (c) At all times that the commercial fitness activity is being conducted, the permit holder must—
 - (i) display a portable, freestanding “A” frame sign with a maximum single face area of 0.60 m² which—
 - (A) ~~must identify the permit holder’s permit number under Local Law No. 9 (Parks and Reserves) 2008 in bold type black lettering of not less than 150 mm in height~~must clearly display the permit holders permit number under Local Law No. 9 (Parks and Reserves) 2008; and
 - (B) must display the permit holder’s name, business name, and contact information; and
 - (C) must not contain any advertisement for any person other than the permit holder or any product or service other than the commercial fitness activity, with the exception of local government programs or activities; and

- (D) must not state or imply that a part of a park or reserve has been set aside for the exclusive use of the permit holder; and
 - (ii) ensure that the following documentation (or a certified copy) is available for immediate inspection upon the request of an authorised person—
 - (A) all current public liability insurance policies held by the applicant relating to the operation of the commercial fitness activity; and
 - (B) the first aid qualification of a person appropriately qualified to provide first aid who is required to be present while the commercial fitness activity is being conducted; and
 - (C) the positive prescribed notices under the Working with Children (Risk Management and Screening) Act 2000 of any person conducting the commercial fitness activity; and photographic proof of identity of any person conducting the commercial fitness activity if the commercial fitness activity includes the carrying on of a regulated business under the Working with Children (Risk Management and Screening) Act 2000—a current positive notice under the Working with Children (Risk Management and Screening) Act 2000 for each person carrying on the commercial fitness activity; and-
 - (iii) be present at the place the commercial fitness activity is being conducted; and
 - (iv) take the principal role in directing and coordinating the activities being conducted as part of the commercial fitness activity.
- (d) A person authorised by permit to conduct a commercial fitness activity and any person involved in the provision of the commercial fitness activity under a permit—
- (i) must not conduct or assist in the conducting of more than three commercial fitness activity training sessions in the same park in one day irrespective of the length of each session must—
 - (A) if the commercial fitness activity is attended by 3 or more clients or customers—not conduct or assist in the conducting of more than 3 commercial fitness activity training sessions in the same park in 1 day irrespective of the length of each session; and

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- ~~(i)(B)~~ if the commercial fitness activity is attended by 2 or less clients or customers—not conduct or assist in the conducting of more than 6 commercial fitness activity training sessions in the same park in 1 day irrespective of the length of each session; and
- ~~(ii)~~ must not conduct a commercial fitness activity for a continuous period that exceeds one hour and thirty minutes in duration including the time to set up and remove any equipment used in carrying out the commercial fitness activity irrespective of whether the activity comprises separate sessions with different customers~~must—~~
- ~~(A)~~ if the commercial fitness activity is attended by 3 or more clients or customers—not conduct a commercial fitness activity training session for a continuous period that exceeds 1 hour and 30 minutes in duration, including the time required to set up and remove any equipment used in carrying out the commercial fitness activity and irrespective of whether the activity comprises separate sessions with different customers; and
- ~~(ii)(B)~~ if the commercial fitness activity is attended by 2 or less clients or customers—not conduct a commercial fitness activity training session for a continuous period that exceeds 1 hour in duration, including the time required to set up and remove any equipment used in carrying out the commercial fitness activity and irrespective of whether the activity comprises separate sessions with different customers; and
- (iii) must ensure that a suitable first aid kit is available for persons involved in the activity at all times while the commercial fitness activity is being carried on; and
- (iv) must be appropriately qualified in first aid or ensure that a person that is appropriately qualified to provide first aid is present at all times while a commercial fitness activity is being carried on; and
- (v) ~~must hold a prescribed notice (which is a positive notice) under the Working with Children (Risk Management and Screening) Act 2000~~if the commercial fitness activity includes the carrying on of a regulated business under the Working with Children (Risk Management and Screening) Act 2000—a current positive notice under the Working with Children (Risk Management and Screening) Act 2000 for each person carrying on the commercial fitness activity; and

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- (vi) must not—
 - (A) display an advertisement (except as required under section 15(1)(c)(i) of this subordinate local law or the conditions of a permit); or
 - (B) distribute a business advertising publication; or
 - (C) tout; or
 - (D) operate a business which is not the commercial fitness activity; and
- (vii) must not state or imply to any person in a park or reserve that a part of a park or reserve has been set aside for their exclusive use.

Examples of subsection (c)(vii)—

- (a) informing other users of a park that they are required to vacate a particular area of the park so the commercial fitness activity can be conducted; or
 - (b) informing another commercial fitness activity operator that the permit holder has a right to use a part of a park in precedence to the other commercial fitness activity operator; or
 - (c) installing stakes, cones, line markings, or other devices to mark out an area of a park for the operation of the commercial fitness activity.
- (e) A commercial fitness activity must not involve more than 30 people including any person involved in the provision of the commercial fitness activity, unless the conditions of a permit provide otherwise. If a commercial fitness activity includes boot camp, circuit, resistance or boxing style training, not more than 18 people, including persons responsible for the provision of the activity, may be involved in the activity unless the conditions of a permit provide otherwise.
 - (f) The holder of the permit for the commercial fitness activity—
 - (i) must hold a broadform public liability insurance policy for not less than \$10,000,000 which names the local government as an insured party and which is otherwise on those terms and conditions as regulated by the local government from time to time; and
 - (ii) must satisfy all requirements under an Act relating to the health and safety of workplaces.
 - (g) Prior to conducting each commercial fitness activity session, the permit holder, or a person involved in the provision of the commercial fitness activity, must inspect the area on which the commercial fitness activity is to be conducted and ensure that the area—

- (i) is of appropriate dimensions to safely accommodate the conduct of the commercial fitness activity; and
 - (ii) is able to be accessed by an emergency vehicle; and
 - (iii) is suitable for the conduct of the commercial fitness activity including by reason of the condition of the ground; the existence of any facility, object or debris; the location of any tree, or other feature in the park or reserve and the prevailing or forecast weather conditions at the times the commercial fitness activity is to be conducted.
- (2) If a requirement identified in a sign in a park or reserve is inconsistent with a requirement in subsection (1), the requirement identified in the sign will be taken to be the applicable prescribed criteria for the park or part of the park to which the sign applies for the purposes of this section, to the extent of any inconsistency.

16 Term of a permit

For the purposes of section 24(1)(b) of *Local Law No. 9 (Parks and Reserves) 2008*, the term of a permit for a permitted business is to be from the date of issue until the thirty-first day of the following August unless otherwise specified in the permit.

17 Conditions of a permit

- (1) For the purposes of section 25(3) of *Local Law No. 9 (Parks and Reserves) 2008*, the local government may impose all or any of the following conditions on a permit for a regulated activity¹—
- (a) The operation of the regulated activity must not detrimentally affect the amenity of neighbouring premises.
 - (b) The operation of the regulated activity 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.
 - (c) The operation of the regulated activity 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 25(3) of *Local Law No. 9 (Parks and Reserves) 2008*, the conditions that will be imposed on a permit. However, the local government may, pursuant to section 25(1) of *Local Law No. 9 (Parks and Reserves) 2008* grant a permit on any conditions the local government considers appropriate.

- (d) A contaminant must not be released to the environment as part of the operation of the regulated activity if the release is likely to cause environmental harm unless such release is specifically authorised by the *Environmental Protection Act 1994*.
- (e) All objects including vehicles and machinery which are dismantled as part of the operation of the regulated activity must be dismantled undercover on a paved impervious surface which is unaffected by stormwater runoff.
- (f) 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.
- (g) Lighting used to illuminate any areas of the operation of the regulated activity must be angled or shaded in such a manner that the light does not cause a nuisance.
- (h) The operation of the regulated activity must not attract fly breeding or vermin infestation.
- (i) The operation of the regulated activity must be kept free of pests and conditions offering harbourage for pests.
- (j) Overcrowding must not be permitted to occur as part of the operation of the regulated activity.
- (k) Adequate lighting levels must be maintained in accordance with the *Building Act 1975*.
- (l) Adequate means of evacuation must be maintained as part of the operation of the regulated activity.
- (m) Water intended for use for domestic purposes as part of the operation of the regulated activity must be from an approved water source.
- (n) The water to be used in the operation of the regulated activity must be of an appropriate quality to be used for that purpose.
- (o) An adequate and continuous supply of cold and hot water must be maintained to all toilet, bathroom, kitchen, laundry and drinking water facilities that form part of the operation of the regulated activity.
- (p) The water supply for drinking purposes must be potable water.
- (q) All water supply connections must be maintained in accordance with the *Water Supply (Safety and Reliability) Act 2008*.

- (r) Adequate power points must be provided as part of the operation of the regulated activity in locations specified by the local government.
- (s) A power source for electricity must not be used unless authorised by the local government.
- (t) Adequate shower, toilet and ablution facilities specified by the local government must be provided as part of the operation of the regulated activity.
- (u) Adequate sanitary conveniences as authorised by the local government and sanitary facilities must be provided to service the operation of the regulated activity.
- (v) Sanitary conveniences as authorised by the local government and sanitary facilities must be kept open during the hours of operation of the regulated activity and signs must be erected indicating the location of the sanitary facilities.
- (w) All hazardous materials must be stored and used in a safe manner as part of the operation of the regulated activity.
- (x) Adequate storage must be provided for all hazardous materials stored or used as part of the operation of the regulated activity.
- (y) Waste containers sufficient to accommodate the collection and storage of all waste generated as part of the operation of the regulated activity must be provided in the manner and locations specified by the local government.
- (z) Waste containers that are provided as part of the operation of the regulated activity must at all times be regularly cleaned and maintained in a clean, tidy, sanitary and hygienic condition.
- (aa) Waste containers that are provided as part of the operation of the regulated activity must be designed and constructed to prevent access to pests and to be easily and effectively cleaned and disinfected.
- (ab) All waste (including waste water) generated as part of the operation of the regulated activity 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*.
- (ac) All waste generated as part of the operation of the regulated activity must be disposed of in a manner which maintains the operation of the regulated activity and its surrounds in a clean, tidy, sanitary and hygienic condition.
- (ad) All waste water generated during or from the operation of the regulated activity must be discharged safely to the sewerage system or an on-site sewerage facility.

- (ae) Human waste from the operation of the regulated activity must be disposed of at a dedicated sanitary facility, a sanitary convenience as authorised by the local government, the sewerage system or an on-site sewerage facility.
- (af) Trade waste from the operation of the regulated activity must be disposed of in accordance with a permit under the *Water Supply (Safety and Reliability Act) 2008*.
- (ag) Waste generated as part of the operation of the regulated activity must be kept so as not to attract pests.
- (ah) Waste from the operation of the regulated activity must not be disposed of into the stormwater system, waters or a watercourse.
- (ai) The holder of the permit must indemnify the local government, to the satisfaction of the local government, against any liability which may arise as a result of regulated activity.
- (aj) The permit issued by the local government, the local government issuing the permit and the description of the regulated activity must be prominently and temporarily displayed during approved operational hours 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 – Regulated Activity [insert permit number]*.
- (ak) The trading name and telephone number of the holder of the permit must be prominently and temporarily displayed during approved operational hours 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.
- (al) Adequate signage must be exhibited as part of the operation of the regulated activity in the manner and locations specified by the local government.
- (am) Emergency contact numbers must be displayed in the manner and locations as specified by the local government or otherwise so that it can be viewed by members of the public.
- (an) The evacuation plan and procedures for the operation of the regulated activity 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.
- (ao) Any premises, building, structure, facility, line marking and equipment which is part of the operation of the regulated activity must not be changed in any respect without the prior notification of the local government and the approval of an authorised person.

- (ap) The operation of the regulated activity must comply with the *Environmental Protection Act 1994*, *Environmental Protection (Water) Policy 2009*, *Environmental Protection (Noise) Policy 2008*, *Environmental Protection (Air) Policy 2008* and the *Environmental Protection (Waste Management) Regulation 2000*.
- (2) For the purposes of section 25(3) of *Local Law No. 9 (Parks and Reserves) 2008*, the following conditions must be imposed in a permit for a regulated activity which involves a gathering or meeting of more than 50 persons²—
- (a) Crowd control measures must be provided to the satisfaction of the local government.
 - (b) The holder of the permit must be familiar with all underground services, including electricity, gas, water supply, sewerage, telephone and other conduits.
 - (c) All relevant approvals must be obtained for any fireworks which are to be used in association with the gathering or meeting and the fireworks must be used in accordance with the approvals and all regulatory requirements.
 - (d) All relevant approvals must be obtained for the sale, distribution and consumption of liquor associated with the meeting or social gathering.
 - (e) The gathering or meeting must comply with any relevant provisions of the *Work Health and Safety Act 2011*.
 - (f) If required by the local government, additional toilets for the gathering or meeting must be provided and erected and serviced to the satisfaction of the local government.
 - (g) All relevant approvals must be obtained for processions which are to be held in association with the social gathering or meeting.
 - (h) Confetti must not be used in association with the social gathering or meeting.
- (3) For the purposes of section 25(3) of *Local Law No. 9 (Parks and Reserves) 2008*, the following conditions may be imposed in a permit for a regulated activity which involves a permitted business³—

² This section prescribes, for the purposes of section 25(3) of *Local Law No. 9 (Parks and Reserves) 2008*, the conditions that will be imposed on a permit. However, the local government may, pursuant to section 25(1) of *Local Law No. 9 (Parks and Reserves) 2008* grant a permit on any conditions the local government considers appropriate.

³ This section prescribes, for the purposes of section 25(3) of *Local Law No. 9 (Parks and Reserves) 2008*, the conditions that will be imposed on a permit. However, the local government may, pursuant to section 25(1) of *Local Law No. 9 (Parks and Reserves) 2008* grant a permit on any conditions the local government considers appropriate.

- (a) The operation of the permitted business must comply with the *Anti-Discrimination Act 1991*.
- (b) The holder of the permit must hold a prescribed notice (which is a positive notice) under the *Working with Children (Risk Management and Screening) Act 2000*.
- (c) The holder of the permit must not erect a structure in relation to the regulated activity without the prior written approval of an authorised person.
- (d) The holder of the permit must hold specified insurance for all persons involved in the operation of the permitted business, and in relation to the operation of the permitted business, for the term of the permit.
- (e) The holder of the permit, and all persons to be involved in the operation of the permitted business, must be appropriately qualified to operate the permitted business.
- (f) A first aid kit must be available for persons involved in the operation of the permitted business at all times.
- (g) A person appropriately qualified to provide first aid must be present during the operation of the permitted business.
- (h) The number of persons involved in the operation of the permitted business at any one time must not exceed the number specified by the local government.
- (i) The identity of the persons involved in the operation of the permitted business must at any time be in accordance with those specified by the local government.
- (j) The number of clients or customers of the permitted business must not at any time exceed the number specified by the local government.
- (k) The operation of the permitted business must only be carried out in a location specified by the local government.
- (l) The operation of the permitted business must not be carried out in an area which is closed for works, maintenance or any other purpose.
- (m) If directed by the local government or an authorised person, the operation of the permitted business must be relocated to a specified location.
- (n) If directed by the local government or an authorised person due to inclement weather conditions, the operation of the permitted business must be postponed.

- (4) For the purposes of section 25(3) of *Local Law No. 9 (Parks and Reserves) 2008*, the conditions that will ordinarily be imposed on a permit for a commercial fitness activity are that—
- (a) the commercial fitness activity must comply with the prescribed criteria in section 15 of this subordinate local law; and
 - (b) the commercial fitness activity must not be carried out in an excluded park including a park that becomes an excluded park after the date of the permit is issued; and
 - (c) the commercial fitness activity must not be carried out in a sports playing field or a facility associated with a sports playing field.

Schedule 1 Specified Lakes

section 10

<u>Column 1</u> <u>Lake</u>	<u>Column 2</u> <u>Description</u>
Lake Hugh Muntz	Barrier Reef Drive, Mermaid Waters

Schedule 1A – Excluded parks

Section 10A

<u>Excluded park No.</u>	<u>Real property description of excluded park</u>	<u>Name of excluded park</u>	<u>Address of excluded park</u>	<u>Area of the excluded park designated for prohibited permitted business purposes</u>	<u>Prohibited permitted business for the designated area of the excluded park</u>	<u>Times or days during which prohibited permitted business is prohibited in the designated area of the excluded park</u>
<u>1</u>	<u>Lot 1 on SP134184</u>	<u>Pratten Park</u>	<u>Old Burleigh Road, Broadbeach</u>	<u>The area of the excluded park south from the Kurrawa Surf Life Saving Club to opposite Anne Avenue, Broadbeach</u>	<u>Commercial fitness activity</u>	<u>The prohibited permitted business is prohibited at all times on all days</u>
<u>2</u>	<u>Lot 121 on SP244690</u>	<u>John Laws Park</u>	<u>Goodwin Terrace, Burleigh</u>	<u>The whole of the excluded park</u>	<u>Commercial fitness activity</u>	<u>The prohibited permitted business is prohibited at all times on all days</u>
<u>3</u>	<u>Lot 901 on SP260794</u>	<u>Queen Elizabeth Park</u>	<u>Marine Parade, Coolangatta</u>	<u>The area of the excluded park from Warner Street, south to McDonald Street (park area opposite Mantra Resort)</u>	<u>Commercial fitness activity</u>	<u>The prohibited permitted business is prohibited at all times on all days</u>
<u>4</u>	<u>Lot 803 on SP151347</u>	<u>Parklake</u>	<u>Greenway Boulevard, Maudsland</u>	<u>The whole of the excluded park</u>	<u>Commercial fitness activity</u>	<u>The prohibited permitted business is prohibited at all times on all days</u>

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<u>Excluded park No.</u>	<u>Real property description of excluded park</u>	<u>Name of excluded park</u>	<u>Address of excluded park</u>	<u>Area of the excluded park designated for prohibited permitted business purposes</u>	<u>Prohibited permitted business for the designated area of the excluded park</u>	<u>Times or days during which prohibited permitted business is prohibited in the designated area of the excluded park</u>
<u>5</u>	<u>Lot 50 on RP48209</u>	<u>Don McSween Park (Lores Bonney Lookout)</u>	<u>Brakes Crescent, Miami</u>	<u>The whole of the excluded park</u>	<u>Commercial fitness activity</u>	<u>The prohibited permitted business is prohibited at all times on all days</u>
<u>6</u>	<u>Lot 493 on WD6058, lot 356 on WD4580 and lot 355 on WD4580</u>	<u>Mick Schamburg Park</u>	<u>Kelly Avenue, Miami</u>	<u>The whole of the excluded park</u>	<u>Commercial fitness activity</u>	<u>The prohibited permitted business is prohibited at all times on all days</u>
<u>7</u>	<u>Lot 493 on WD6058</u>	<u>Don McSween Park</u>	<u>Marine Parade, Miami</u>	<u>The whole of the excluded park except for the area of excluded park north of North Burleigh Hill</u>	<u>Commercial fitness activity</u>	<u>The prohibited permitted business is prohibited at all times on all days</u>
<u>8</u>	<u>Lot 999 on SP198481</u>	<u>Central Park, Pacific Pines</u>	<u>Hotham Drive, Pacific Pines</u>	<u>The area of the excluded park within 100m of the cricket oval</u>	<u>Commercial fitness activity</u>	<u>The prohibited permitted business is prohibited at all times on all days</u>

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<u>Excluded park No.</u>	<u>Real property description of excluded park</u>	<u>Name of excluded park</u>	<u>Address of excluded park</u>	<u>Area of the excluded park designated for prohibited permitted business purposes</u>	<u>Prohibited permitted business for the designated area of the excluded park</u>	<u>Times or days during which prohibited permitted business is prohibited in the designated area of the excluded park</u>
<u>9</u>	<u>Lot 999 on SP198481</u>	<u>Central Park, Pacific Pines</u>	<u>Hotham Drive, Pacific Pines</u>	<u>The whole of the excluded park</u>	<u>Commercial fitness activity</u>	<u>Subject to Item 8, the prohibited permitted business is prohibited before 7 a.m. each Saturday and Sunday</u>
<u>10</u>	<u>Lot 165 on SP229244</u>	<u>Palm Beach Parklands</u>	<u>Gold Coast Highway, Palm Beach</u>	<u>The whole of the excluded park</u>	<u>Commercial fitness activity</u>	<u>The prohibited permitted business is prohibited at all times on all days</u>
<u>11</u>	<u>Lot 242 on WD4471</u>	<u>Tarrabora Reserve</u>	<u>Gold Coast Highway, Palm Beach</u>	<u>The whole of the excluded park</u>	<u>Commercial fitness activity</u>	<u>The prohibited permitted business is prohibited at all times on all days</u>
<u>12</u>	<u>Lot 258 on WD5078</u>	<u>Rockview Public Park</u>	<u>Off Laceys Lane, Palm Beach</u>	<u>The whole of the excluded park</u>	<u>Commercial fitness activity</u>	<u>The prohibited permitted business is prohibited at all times on all days</u>
<u>13</u>	<u>Lot 1 on SP123098, lot 45 on RP32000,</u>	<u>Andy Frizzell Park</u>	<u>Jefferson Lane, Palm Beach</u>	<u>The area of the excluded park south of Palm Beach Surf Life Saving Club</u>	<u>Commercial fitness activity</u>	<u>The prohibited permitted business is prohibited at all times on all days</u>

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<u>Excluded park No.</u>	<u>Real property description of excluded park</u>	<u>Name of excluded park</u>	<u>Address of excluded park</u>	<u>Area of the excluded park designated for prohibited permitted business purposes</u>	<u>Prohibited permitted business for the designated area of the excluded park</u>	<u>Times or days during which prohibited permitted business is prohibited in the designated area of the excluded park</u>
	lot 336 on WD3746 and lot 29 on RP811099					
14	Lot 2 on SP266532, including road easement	Ronnie Long Park	Tallebudgera Drive East, off Gold Coast Highway, Palm Beach	The area of the excluded park on the beach side of the Tallebudgera Surf Life Saving Club	Commercial fitness activity	The prohibited permitted business is prohibited at all times on all days
15	Lot 12 on SP170654	Broadwater Parklands	Marine Parade, Southport	The area of the excluded park on the southern side of the Aquatic Centre to the timber platform opposite Short Street, Southport	Commercial fitness activity	The prohibited permitted business is prohibited at all times on all days
16	Lot 218 on WD807902	Surfers Paradise Esplanade	The Esplanade, Surfers Paradise	The area of the excluded park comprising the Esplanade from Cavill Avenue north to Main Beach Parade	Commercial fitness activity	The prohibited permitted business is prohibited at all times on all days

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<u>Excluded park No.</u>	<u>Real property description of excluded park</u>	<u>Name of excluded park</u>	<u>Address of excluded park</u>	<u>Area of the excluded park designated for prohibited permitted business purposes</u>	<u>Prohibited permitted business for the designated area of the excluded park</u>	<u>Times or days during which prohibited permitted business is prohibited in the designated area of the excluded park</u>
<u>17</u>	<u>Lot 902 on SP154443</u>	<u>Varsity Parade Reserve</u>	<u>Varsity Parade, Varsity Lakes</u>	<u>The whole of the excluded park</u>	<u>Commercial fitness activity</u>	<u>The prohibited permitted business is prohibited at all times on all days</u>
<u>18</u>	<u>4SP191949</u>	<u>Abraham Park</u>	<u>Reserve Road, Upper Coomera</u>	<u>The whole of the excluded park</u>	<u>Commercial fitness activity</u>	<u>The prohibited permitted business is prohibited at all times on all days</u>

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Schedule 2 Dictionary

section 4

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~~*aircraft operations* has the meaning given in *Local Law No. 16 (Licensing) 2008*.~~

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.

commercial fitness activity—

- (a) means any of the following—
- (i) a business or commercial activity involving the supply of a personal or group fitness training activity;
 - (ii) the supply of any of the following activities whether the activity is undertaken as a business or commercial activity or not —
 - (A) circuit training;
 - (B) resistance training;
 - (C) fitness training involving self-defence or the use of boxing gloves and boxing pads;
 - (D) organised aerobic activity, including group walking or running activities, whether or not involving a thing that is pushed, pulled or carried;
 - (E) fitness activities involving yoga, tai chi, pilates, meditation or a similar activity;
 - (F) group fitness activities conducted by an individual instructor or multiple instructors involving the participation of individuals, or groups of persons, in strength, resistance or cardiovascular based activities, whether or not involving the use of equipment;
 - (G) any combination of the activities mentioned in paragraphs (A) to (F); but
- (b) does not include any of the following—
- (i) a commercial fitness activity which is a council endorsed activity;
 - (ii) 1 or more, or any combination, of the activities identified in paragraph (a)(ii) undertaken in the following circumstances—

- (A) the activities are conducted by an association incorporated under the Associations Incorporation Act 1981, the principal object of which is the promotion of sporting, walking, running or similar activities; and
 - (B) the right to participate in the activities is limited to the bona fide members of the association and their guests;
- (iii) 1 or more, or any combination, of the activities identified in paragraph (a)(ii) undertaken in the following circumstances—
- (A) the activities are conducted by a life-saving club for a life-saving training purpose; and
 - (B) the right to participate in the activities is limited to the bona fide members of the life-saving club;
- (iv) 1 or more, or any combination, of the activities identified in paragraph (a)(ii) undertaken in the following circumstances—
- (A) the activities are conducted by an educational institution which is a kindergarten, primary school or secondary school; and
 - (B) the right to participate in the activities is limited to the students, parents and carers of the students, and the staff of the educational institution;
- (v) 1 or more, or any combination, of the activities identified in paragraph (a)(ii) undertaken in the following circumstances—
- (A) the activities are conducted by a corporation and the primary purpose of the conduct of the activities is to promote the health and fitness of the employees of the corporation; and
 - (B) the right to participate in the activities is limited to the employees of the corporation, including full-time, part-time and contracted employees and each employee's family;
- (vi) 1 or more, or any combination, of the activities identified in paragraph (a)(ii) undertaken in the following circumstances—
- (A) the activities are conducted by a government entity, for example, a Commonwealth department, a State department, a Commonwealth agency, a State agency, a Commonwealth authority or a State authority; and
 - (B) the primary purpose of the conduct of the activities is the promotion of community health and fitness.
- (vii) 1 or more, or any combination, of the activities identified in paragraph (a)(ii) undertaken in the following circumstances—

- (A) the activities are conducted by a parent or carer; and
 - (B) the primary purpose of the conduct of the activities is to promote the health and fitness of the family of the parent or carer.
- (viii) 1 or more, or any combination, of the activities identified in paragraph (a)(ii) undertaken in the following circumstances—
- (A) the activities are conducted by a religious entity which is registered with the Australian Charities and Not-for-profits Commission; and
 - (B) the primary purpose of the conduct of the activities is religious or charitable works which promote health and fitness.

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 activities.

emergency vehicle means a vehicle driven by a person who is—

- (a) an emergency worker; and
- (b) driving the vehicle in the course of his or her duties as an emergency worker.

emergency worker means—

- (a) an officer of the Queensland Ambulance Service or the ambulance service of another state; or
- (b) an officer of the Queensland Fire and Rescue Service or a fire and rescue service of another state; or
- (c) an officer or employee of another entity with the written permission of the commissioner of the Police Service; or
- (d) an officer of the State Emergency Service or a state emergency service of another state; or

- (e) an officer or employee of an authority permitted by law to conduct utility installation or utility maintenance; or
- (f) an officer of Emergency Management Queensland.

film production has the meaning given in *Local Law No. 16 (Licensing) 2008*.

footpath has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

foreshore has the meaning given in the *Local Government Regulation 2012*.

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

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*.

life-saving club has the meaning given in *Local Law No. 10 (Bathing Reserves) 2004*.

motorbike has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

noise sensitive place includes—

- (a) a residential property; and
- (b) a sensitive receptor listed in Schedule 1 of the *Environmental Protection (Noise) Policy 2008*, other than a park.

off leash dog exercise area has the meaning given in *Local Law No. 12 (Animal Management) 2013*.

parks and recreation plan means the planning document titled ‘Our Natural Playground – A Parks and Recreation Plan for the Gold Coast’, as amended from time to time.

~~permitted business~~ means the following businesses or commercial activities—

- (a) a commercial fitness activity; and
- (b) an entertainment or promotional event which—
 - (i) is of economic significance to the local government area; or
 - (ii) complies with the local government’s events strategy (as amended from time to time); and
- (c) a product launch; and
- (d) a sporting event of local, State, regional or national significance (including a life-saving competition); and
- (e) film production; and
- (f) a temporary broadcast of a radio or television program; and
- (g) ~~still~~ photography undertaken for a commercial purpose; and
- (h) the sale of food or drink (or both) from a mobile or temporary premises or a vehicle; and
- (i) aircraft operations; and
- (j) ~~an advertisement that is related to—~~
 - ~~(i) an activity permitted under the local law; or~~
 - ~~(ii) a short term event such as a fete, fair, activity or other event to be held at a location other than the park; or~~
 - ~~(iii) an activity otherwise approved by the local government; and~~
 - ~~(k) an advertisement that is displayed on land being used by a sporting club.~~
- ~~(l)~~ a business or commercial activity which, in the opinion of the local government, promotes health, including physical or mental well-being (other than a commercial or business activity mentioned in paragraphs (a) to ~~(k)~~)).

power assisted cycle means a bicycle to which a power source is attached.

residential property means a building or property of a type that would ordinarily be used, or intended to be used, as a place of residence or mainly as a place of residence.

quad bike has the meaning given in the *Transport Operations (Road Use Management – Vehicle Registration) Regulation 2010*.

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

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

sports playing field means a park that is designed to cater for a variety of formal sporting activities through the provision of training or competition facilities.

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 or store stormwater.

surface water means water other than groundwater.

trailer has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

vessel has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

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*.