

Parks and Reserves (Amendment)

Subordinate Local Law (No. 1) 2016

This and the following ## pages is a certified copy of *Parks and Reserves (Amendment) Subordinate Local Law (No.1) 2016* made in accordance with the provisions of the *Local Government Act 2009* by the Council of the City of Gold Coast by resolution dated ## 2016

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Chief Executive Officer

Council of the City of Gold Coast Parks and Reserves (Amendment) Subordinate Local Law (No. 1) 2016

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Council of the City of Gold Coast Parks and Reserves (Amendment) Subordinate Local Law (No. 1) 2016

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Parks and Reserves (Amendment) Subordinate Local Law (No. 1) 2016*.

2 Object

The object of this subordinate local law is to amend *Subordinate Local Law No. 9.1 (Parks and Reserves) 2008* to—

- (a) designate excluded parks and specify prohibited permitted business for excluded parks; and
- (b) prescribe criteria for undertaking the regulated activity of commercial fitness activity.

3 Commencement

This subordinate local law commences upon publication of the notice of the making of *Parks and Reserves (Amendment) Subordinate Local Law (No. 1) 2016* in the gazette.

Part 2 Amendment of Subordinate Local Law No. 9.1 (Parks and Reserves) 2008

4 Subordinate local law amended

This part amends *Subordinate Local Law No. 9.1 (Parks and Reserves) 2008*.

5 Insertion of new s10A

After section 10 —

insert—

‘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 section 15(1)(b) of *Local Law No. 9 (Parks and Reserves) 2008.*'.

6 Amendment of s14 (Assessment criteria for a permitted business)

Section 14(l) and (m) —
omit.

7 Amendment of s15 (Prescribed criteria for a permitted business)

- (1) Section 15(1)(a)(ii), '20'—
omit, insert—
'5'.
- (2) Section 15(1)(a)(iii), '50'—
omit, insert—
'15'.
- (3) Section 15(1)(a)(iv)—
omit, insert—
'(iv) within 100 metres of a noise sensitive place between 7:00 p.m. and 5:30 a.m. on any day; or'.
- (4) Section 15(1)(b)(iv)—
omit, insert—
'(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; or'.
- (5) Section 15(1)(b)(v), 'equipment'—
omit, insert—
'a facility'.
- (6) Section 15(1)(b)(viii), '.'—
omit, insert—

‘; or’.

- (7) After section 15(1)(b)(viii)—

insert—

‘(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.’

- (8) Section 15(1)(c)(i)(A)—

omit, insert—

‘(A) must clearly display the permit holders permit number under *Local Law No. 9 (Parks and Reserves) 2008*; and’.

- (9) Section 15(1)(c)(ii)(C)—

omit, insert—

‘(C) 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’

- (10) Section 15(1)(d)(i)—

omit, insert—

(i) 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

(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’.

- (11) Section 15(1)(d)(ii)—

omit, insert—

‘(ii) 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
- (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’.
- (12) Section 15(1)(d)(v)—
omit, insert—
- ‘(v) 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’.
- (13) Section 15(1)(e)—
omit, insert—
- ‘(e) 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.’.

8 Insertion of new sch 1A

After schedule 1—

insert —

‘Schedule 1A Excluded parks

section 10A

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

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5	Lot 50 on RP48209	Don McSween Park (Lores Bonney Lookout)	Brakes Crescent, Miami	The whole of the excluded park	Commercial fitness activity	The prohibited permitted business is prohibited at all times on all days
6	Lot 493 on WD6058, lot 356 on WD4580 and lot 355 on WD4580	Mick Schamburg Park	Kelly Avenue, Miami	The whole of the excluded park	Commercial fitness activity	The prohibited permitted business is prohibited at all times on all days
7	Lot 493 on WD6058	Don McSween Park	Marine Parade, Miami	The whole of the excluded park except for the area of excluded park north of North Burleigh Hill	Commercial fitness activity	The prohibited permitted business is prohibited at all times on all days
8	Lot 999 on SP198481	Central Park, Pacific Pines	Hotham Drive, Pacific Pines	The area of the excluded park within 100m of the cricket oval	Commercial fitness activity	The prohibited permitted business is prohibited at all times on all days

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9	Lot 999 on SP198481	Central Park, Pacific Pines	Hotham Drive, Pacific Pines	The whole of the excluded park	Commercial fitness activity	Subject to Item 8, the prohibited permitted business is prohibited before 7 a.m. each Saturday and Sunday
10	Lot 165 on SP229244	Palm Beach Parklands	Gold Coast Highway, Palm Beach	The whole of the excluded park	Commercial fitness activity	The prohibited permitted business is prohibited at all times on all days
11	Lot 242 on WD4471	Tarrabora Reserve	Gold Coast Highway, Palm Beach	The whole of the excluded park	Commercial fitness activity	The prohibited permitted business is prohibited at all times on all days
12	Lot 258 on WD5078	Rockview Public Park	Off Laceys Lane, Palm Beach	The whole of the excluded park	Commercial fitness activity	The prohibited permitted business is prohibited at all times on all days
13	Lot 1 on SP123098, lot 45 on RP32000,	Andy Frizzell Park	Jefferson Lane, Palm Beach	The area of the excluded park south of Palm Beach Surf Life Saving Club	Commercial fitness activity	The prohibited permitted business is prohibited at all times on all days

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	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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17	Lot 902 on SP154443	Varsity Parade Reserve	Varsity Parade, Varsity Lakes	The whole of the excluded park	Commercial fitness activity	The prohibited permitted business is prohibited at all times on all days
18	4SP191949	Abraham Park	Reserve Road, Upper Coomera	The whole of the excluded park	Commercial fitness activity	The prohibited permitted business is prohibited at all times on all days

9 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definition *aircraft operations*—
omit.
- (2) Schedule 2, definition *permitted business*, paragraph (g), ‘still’—
omit.
- (3) Schedule 2, definition *permitted business*, paragraphs (j) and (k) —
omit.
- (4) Schedule 2, definition *permitted business*, paragraph (l)—
renumber as paragraph (j).
- (5) Schedule 2, definition *permitted business*, paragraph (j), as renumbered,
‘(k)’—
omit, insert—
‘(i)’.