

Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2019

Contents

Part 1	Preliminary.....	2
1	Short title.....	2
2	Purpose and how it is to be achieved.....	2
3	Authorising local law.....	2
4	Definitions.....	2
Part 2	Approval for prescribed activity.....	2
5	Matters regarding the prescribed activity—Authorising local law, ss 6(3), 6(4), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a).....	2
6	Approvals that are non-transferable—Authorising local law, s15(2).....	3
Part 3	Application to State-controlled roads.....	3
7	State-controlled roads to which the local law applies—Authorising local law, schedule 1.....	3
Part 4	Repeal.....	3
8	Repeal.....	3
Schedule 1	Installation of advertising devices.....	3
Schedule 2	Categories of approval that are non-transferable.....	9
Schedule 3	Definitions and prescribed criteria for installation, erection and display of advertising devices.....	10
Schedule 4	General criteria for installation, erection and display of advertising devices.....	13
Schedule 5	State-controlled roads to which the local law applies.....	15
Schedule 6	Dictionary.....	16

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.4 Installation of Advertising Devices) 2019*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2011* (the **authorising local law**).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 6 defines particular words used in this subordinate local law.

Part 2 Approval for prescribed activity

5 Matters regarding the prescribed activity—Authorising local law, ss 6(3), 6(4), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a)

- (1) Schedule 1—
 - (a) names a prescribed activity in section 1; and
 - (b) prescribes the matters specified in this section for the prescribed activity.
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of schedule 1.
- (3) For section 6(4) of the authorising local law, it is declared that the prescribed activity

named in section 1 of schedule 1 is a category 1 activity.

- (4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.
- (5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.
- (6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.
- (7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.
- (8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.
- (9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.

6 Approvals that are non-transferable—Authorising local law, s15(2)

For section 15(2) of the authorising local law, it is declared that the categories of approval listed in schedule 2 are non-transferable.

Part 3 Application to State-controlled roads

7 State-controlled roads to which the local law applies—Authorising local law, schedule 1

For the purposes of the definition of road in schedule 1 of the authorising local law, the State-controlled roads listed in schedule 5 are roads to which the authorising local law applies unless otherwise provided in the local law.

Note

The display of an advertising device which is placed on, or visible from, a State-controlled road may—

- (a) be regulated under the Roadside Advertising Guide of the Department of Transport and Main Roads; and
- (b) also require an approval from the Department.

Part 4 Repeal

8 Repeal

This subordinate local law repeals *Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2011*.

Schedule 1 Installation of advertising devices

Section 5

1 Prescribed activity

Installation of advertising devices.

2 Activities that do not require an approval under the authorising local law

- (1) An approval is not required under the authorising local law for the prescribed activity if the activity is the installation, erection or display of a permitted advertisement.
- (2) A *permitted advertisement* is an advertising device that is visible from a road or other public place which is—
 - (a) defined in schedule 3; and
 - (b) installed, erected and displayed in accordance with—
 - (i) the prescribed criteria specified in schedule 3; and
 - (ii) the general criteria specified in schedule 4.
- (3) Also, an approval is not required under the authorising local law for the prescribed activity if—
 - (a) under the planning scheme of the local government, the prescribed activity is identified as—
 - (i) development which is accepted development or prohibited development; or
 - (ii) assessable development which is subject to code assessment or impact assessment; or
 - (b) the installation, erection or display of the advertising device is undertaken by, or on behalf of, the local government.
- (4) Also, an approval is not required under the authorising local law for the prescribed activity if the activity is the installation, erection or display of an election sign that is visible from a road or other public place.
- (5) However, the activity of the installation, erection or display of an election sign that is visible from a road or other public place may be undertaken by a person only if the person complies with the following requirements—
 - (a) the election sign must be kept in good order and repair; and
 - (b) the election sign must not be exhibited on a local government controlled area, or any plant, equipment or facility of the local government; and
 - (c) the election sign must not be exhibited so as to constitute a risk to public health or safety, road safety or obstruct the use of a road (including a footpath); and

Examples of paragraph (c) — an election sign is exhibited so as to constitute a risk to public health or safety, road safety or obstruct the use of a road, if the election sign—

 - is unsecured or unattended on the carriageway of a road (the carriageway of a road is the sealed section of the road between the unsealed shoulders of the road);
 - obstructs, or is likely to obstruct, pedestrian or bicycle movement on a paved footpath, walkway or bikeway;
 - is positioned in a way that obstructs or hinders access to private property when exiting a road, or

- obstructs or hinders access to a road when exiting private property;
 - is positioned in a way that does not provide clear sight lines for drivers of vehicles or pedestrians at a road junction, vehicle access way or pedestrian crossing;
 - creates a traffic problem, or increases an existing traffic problem;
 - is not weighted, anchored or affixed so as to ensure stability and avoid falling or blowing into the path of pedestrian or vehicular traffic;
 - is exhibited on a traffic island, a median strip or the centre of a roundabout;
 - is exhibited within an intersection controlled by traffic lights or within the intersections of one or more major roads;
 - is exhibited at a bus stop or in a school zone in a way that interferes with passengers entering or exiting a bus or another vehicle;
 - obstructs a pedestrian crossing or a school crossing;
 - is rotating, audible or illuminated and likely to cause a distraction to a driver;
 - is exhibited in close proximity to an official traffic sign in a way which is likely to hinder or obstruct a driver from seeing, reading or understanding the official traffic sign whilst driving;
 - is exhibited on a road in a rural area with a speed limit of 80 km/h or less, and is located less than 3.5m from the edge of the nearest traffic lane;
 - is exhibited on a road in a rural area with a speed limit greater than 80km/h and is located less than 6m from the edge of the nearest traffic lane;
 - is exhibited on street furniture, a light pole, guard rail, tree, plant, landscaped area or other local government asset.
- (d) the election sign must not have a surface area exceeding 1.1m², unless the sign is exhibited on an approved advertisement; and
- (e) the election sign must be made of a material that is designed to be easily broken, for example, a corflute sign on a timber stake.

3 Documents and materials that must accompany an application for an approval

- (1) An application for an approval must be made to the local government on the approved form required under *Local Law No. 1 (Administration) 2011* as detailed on the local government's website.
- (2) Full details of the proposed advertising device including—
 - (a) the location at which the proposed advertising device will be installed, erected or displayed; and
 - (b) the name, address and contact details of the person responsible for the installation, erection or display of the advertising device; and
 - (c) the name and address of any business which will be advertised on the advertising device.
- (3) Details of all building work and other work to be carried out under the approval.
- (4) Details of the time and place at which the prescribed activity will be undertaken.

- (5) The proposed term of the approval.
- (6) The impact, if any, of the prescribed activity on pedestrian or vehicular traffic.
- (7) The materials, equipment and vehicles (if applicable) to be used in the undertaking of the prescribed activity.
- (8) If requested, evidence that the applicant currently holds any separate approval relating to the prescribed activity that is required under another law, for example, a certification, that the sign complies with the requirements of the Manual of Uniform Traffic Control Devices.
- (9) Plans and specifications detailing—
 - (a) the location of the proposed advertising device; and
 - (b) particulars of the content, design, dimensions and construction of the proposed advertising device; and
 - (c) a site plan and elevation, to scale, of the proposed advertising device; and
 - (d) if the applicant is not the owner of the premises on which the proposed advertising device is to be installed, erected or displayed, the consent of the owner of the premises to the installation, erection and display of the advertising device; and
 - (e) a copy of each development approval required for the installation, erection and display of the proposed advertising device; and
 - (f) if the proposed advertising device is to be installed, erected or displayed at a place which is registered as a State heritage place and an exemption certificate is required in respect of the undertaking of the prescribed activity at the place— a copy of the exemption certificate; and
 - (g) a pictorial representation of the proposed advertising device.

4 Additional criteria for the granting of an approval

- (1) The conduct of the prescribed activity must not—
 - (a) result in—
 - (i) harm to human health or safety; or
 - (ii) property damage or loss of amenity; or
 - (iii) nuisance; or
 - (iv) unsafe movement of pedestrian or vehicular traffic; or
 - (v) environmental harm; or
 - (vi) environmental nuisance; or
 - (vii) a potential road safety risk; or
 - (b) adversely affect the amenity of the area in which the prescribed activity is to be undertaken; or
 - (c) significantly obstruct the view of any premises.
- (2) Where an advertising device is to be displayed at a State heritage place, more favourable consideration will normally be given to an advertising device which is in keeping with the original character and period of the State heritage place.

5 Conditions that must be imposed on an approval

No conditions prescribed.

6 Conditions that will ordinarily be imposed on an approval

- (1) The conditions of an approval may—
 - (a) require compliance with specified safety requirements; and
 - (b) regulate the time within which the prescribed activity must be carried out; and
 - (c) specify standards with which the undertaking of the prescribed activity must comply; and
 - (d) require the approval holder to—
 - (i) carry out specified additional work such as earthwork and landscaping; and
 - (ii) take out and maintain public liability insurance as specified by the local government and produce documentary evidence of the insurance to the local government before commencement of the prescribed activity; and
 - (iii) give the local government specified indemnities; and
 - (iv) maintain structures erected or installed, or vegetation planted, under the approval, in good condition; and
 - (v) remove a structure erected or installed, under the approval, at the end of a stated period; and
 - (vi) construct the advertising device from specified materials; and
 - (vii) maintain the advertising device in good order and repair; and
 - (viii) install the advertising device at a specified location, or in a specified manner; and
 - (ix) take specified measures to illuminate, or control the illumination of, the advertising device; and
 - (x) restrict the dimensions of the advertising device.
- (2) The conditions of an approval may require the approval holder to take specified measures to—
 - (a) prevent harm to human health or safety of persons involved in, or affected by, the undertaking of the prescribed activity; and
 - (b) prevent loss of amenity or nuisance resulting from the undertaking of the prescribed activity; and
 - (c) ensure that the undertaking of the prescribed activity does not cause unsafe movement or obstruction of pedestrian or vehicular traffic.
- (3) The conditions of an approval may require the approval holder to take specified measures to ensure that the advertising device is installed, erected and displayed in accordance with—
 - (a) the prescribed criteria in schedule 3; and
 - (b) the general criteria specified in schedule 4.

7 Term of an approval

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval.

8 Term of renewal of an approval

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

Schedule 2 Categories of approval that are non-transferable

Section 6

Every approval for the prescribed activity named in schedule 1, section 1 is non-transferable.

Schedule 3 Definitions and prescribed criteria for installation, erection and display of advertising devices

Schedule 1, section 2(2)(a) and (b)

1 Community organisation site sign



- (1) A *community organisation site sign* is a temporary, non-illuminated advertising device which advertises a non-profit short term event such as a fete, fair, festival or other similar event organised by a charitable, religious, educational, childcare or sporting organisation or a community service organisation.
- (2) The criteria prescribed for a community organisation site sign are that the sign must—
 - (a) only be displayed for a maximum period of 30 days prior to the event advertised; and
 - (b) not have a face area in excess of—
 - (i) 2.5m² in a residential zone; or
 - (ii) 5m² in all remaining zone category areas; and
 - (c) be removed within 2 days of the event finishing.
- (3) Also, for any premises, a limit of 2 community organisation signs per street front boundary of the premises may be displayed.

2 Temporary directional community organisation sign

- (1) A *temporary directional community organisation sign* is a sign which while not displayed at the site of a fete, fair, festival or other similar event, has the primary purpose of directing the public to the fete, fair, festival or other similar event.
- (2) The criteria prescribed for a temporary directional community organisation sign are that the sign must—
 - (a) not have a face area in excess of 0.6m² when placed on a road or public place; and
 - (b) not have a face area in excess of 2.4m² when placed on private property; and
 - (c) only be displayed for a maximum period of 7 days prior to the event advertised on the sign and be removed within 2 days of the event finishing.
- (3) Also—

- (a) for signs placed on a road or public place, the advertiser must have in effect and maintain a public liability insurance policy in an amount not less than \$20,000,000.00 against claims for personal injury and property damage resulting from the display of the sign; and
- (b) a maximum of 15 signs may be displayed on private properties; and
- (c) on a private property — a maximum of 2 signs may be displayed on the private property; and
- (d) a maximum of 10 signs may be displayed on roads and public places.

3 Footway sign

- (1) **Footway sign** is a portable, free-standing sign, normally supported by an ‘A’ or inverted ‘T’ frame, and typically displayed on a footway.
- (2) The criteria prescribed for a footway sign are that the sign must—
 - (a) not have a width in excess of 0.75m or a height in excess of 1m; and
 - (b) be positioned immediately adjacent to the shop frontage of the shop advertised on the sign; and
 - (c) be positioned to ensure a minimum 1.5m wide pedestrian corridor is kept clear along the footway; and
 - (d) be clear of any vehicle accessway across the footway; and
 - (e) not be positioned to obstruct or clutter the footway, street landscaping, furniture or artwork; and
 - (f) not have moving, rotating or animated parts; and
 - (g) not be displayed other than during the trading hours of the shop; and
 - (h) not be used for the display of merchandise; and
 - (i) be secured so as not to cause a pedestrian or vehicular hazard in windy conditions; and
 - (j) not have more than 2 face areas.
- (3) Also—
 - (a) the advertiser must have in effect and maintain a public liability insurance policy in an amount not less than \$20,000,000.00 against claims for personal injury and property damage resulting from the display of the sign; and
 - (b) the number of footway signs that may be displayed on premises is limited to the greater of—
 - (i) 1 sign per shop; and
 - (ii) 1 sign per full 6m of the linear street front boundary of the shop on the premises.

Example-

A shop with over 12m of linear street front boundary is permitted 2 footway signs, a shop with over 18m of linear shop front boundary is permitted 3 footway signs etc.

4 Illuminated sign

- (1) An *illuminated sign* is a sign that has internal and/or external means of illumination of the whole or a portion of the sign.
- (2) The criteria prescribed for an illuminated sign are that the sign must—
 - (a) not be situated within 100m of a residential zone, unless the sign is not visible from any premises used for a residential purpose; and
 - (b) not have luminance in excess of 350 candelas per square metre; and
 - (c) not be located within 30m of a set of traffic signals or 20m of an intersection; and
 - (d) not be flashing or moving.

Schedule 4 General criteria for installation, erection and display of advertising devices

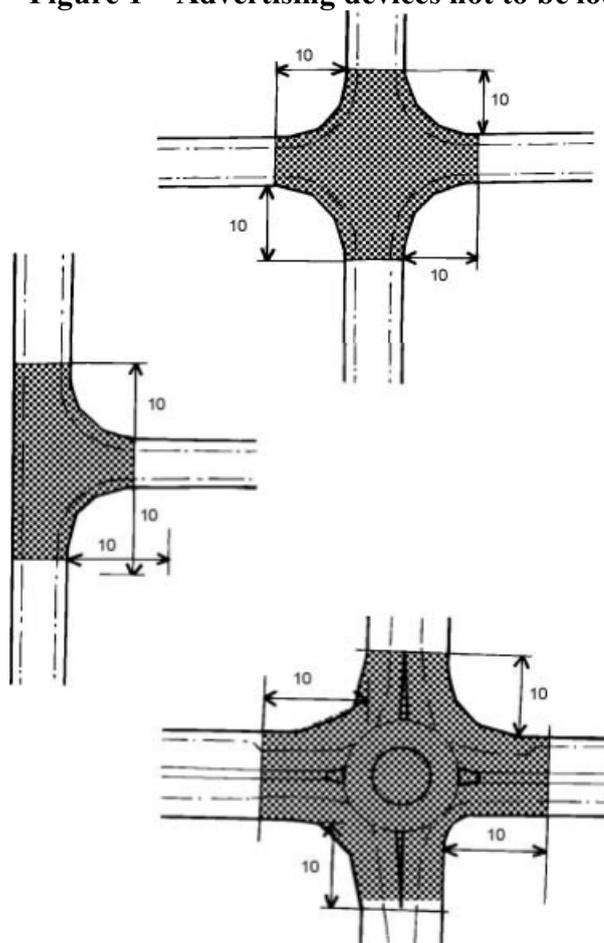
Schedule 1, section 2(2)(b)(ii)

- 1** This schedule specifies general criteria for the installation, erection and display of advertising devices.
- 2** The advertising device must not be erected on a road, community infrastructure or a public place unless otherwise permitted by this subordinate local law.
- 3** An advertising device must not be installed, erected or displayed at a place which is registered as a State heritage place unless an exemption certification has been granted in respect of the undertaking of the prescribed activity at the place.
- 4** The advertising device must—
 - (a) not cause a nuisance as reasonably determined by the local government; and
 - (b) not incorporate beacon lights or revolving lights, excluding emergency vehicles and other emergency devices authorised under a State Act; and
 - (c) not be illuminated, unless the illumination is permitted under this subordinate local law; and
 - (d) be kept and maintained at all times in good order and repair, and free of graffiti.
- 5** The activity being advertised on the advertising device must be able to be lawfully conducted.
- 6** The display of the advertising device must not cause—
 - (a) a safety hazard; or
 - (b) unsafe movement or obstruction of, or distraction to, pedestrian or vehicular traffic.
- 7** An advertising device mounted over a road or other place where vehicles are able to pass, must provide a clearance of not less than 5.7m above ground level directly adjacent to the advertising device.
- 8** This schedule also specifies the criteria that the local government must have regard to when deciding whether to approve the display of a free-standing advertising device by reference to the size of the advertising device.
- 9** The face area of any advertising device is the area bounded by the framework of a manufactured panel, hoarding or illuminated advertising device case and is calculated by multiplying the advertising device face area height and width parameters.
- 10** However, in the case of lettering, logos or designs applied to a lesser area than the panel parameters, or individual lettering, the area is calculated by drawing a rectangle around the advertising device lettering, logos or designs.
- 11** In the case of irregular shaped advertising devices, including words with ascending or

descending upper or lower case letter strokes, or replicas or shapes, the face area is calculated by not more than 2 abutting and non-overlapping rectangles added together.

- 12 Decorative lines, stripes and architectural trims of an advertising device, whether illuminated or not, form part of the face area of the advertising device.
- 13 In calculating the size of an advertising device, v-shaped advertising devices are classed as 2 advertising devices unless otherwise determined by this subordinate local law.
- 14 Unless otherwise permitted or determined under this subordinate local law, an advertising device must not to be installed, erected or displayed on any of the following locations—
 - (a) within an intersection or roundabout shown on figure 1;
 - (b) within, or on, a median strip, traffic island or roundabout;
 - (c) upon any tree, shrub, pole or traffic sign support, unless on private property;
 - (d) within 10m of a traffic warning or direction sign;
 - (e) within 3m from the bitumen edge of a road (where no kerb and channel exists); and
 - (f) outside the footpath area of a road (where kerb and channel exists).

Figure 1 – Advertising devices not to be located in shaded areas



All measurements in figure 1 are in shown in metres.

Schedule 5 State-controlled roads to which the local law applies

Section 7

The authorising local law does not apply to the installation of an advertising device on any State-controlled road in the local government area of the local government.

Schedule 6 Dictionary

Section 4

accepted development see *Planning Act 2016*, schedule 2.

advertiser means a person—

- (a) by whom a sign is installed, erected or displayed; or
- (b) whose business or place of business is advertised by a sign; or
- (c) who manages and controls, or has power to manage and control, the place at which a sign is installed, erected or displayed; or
- (d) who is—
 - (i) the owner of premises or a place on which a sign is installed, erected or displayed; or
 - (ii) the occupier of premises or a place on which a sign is installed, erected or displayed; or
 - (iii) the owner of a vehicle on which a sign is installed, erected or displayed.

advertising device means a structure or device which is visible from a road or other public place and which conveys information or directions of any kind (other than a structure or device displayed pursuant to the authority or requirements of an Act) and the term includes any structure forming part of the advertising device or to which the advertising device is attached or on which it is displayed.

approved advertisement means an advertisement that is—

- (a) approved by a development approval; or
- (b) deemed acceptable development under the planning scheme of the local government; or
- (c) approved in accordance with *Local Law No. 1 (Administration) 2011* and this subordinate local law; or
- (d) lawfully carried out under another local law.

assessable development see *Planning Act 2016*, schedule 2.

building has the meaning given in the *Building Act 1975*.

building work has the meaning given in the *Building Act 1975*.

code assessment see *Planning Act 2016*, schedule 2.

community infrastructure means infrastructure prescribed by regulation under the *Planning Act 2016*, section 35.

community organisation site sign see schedule 3, section 1.

development see *Planning Act 2016*, schedule 2.

election sign see *Local Government Act 2009*, section 36.

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

exemption certificate has the meaning given in the *Queensland Heritage Act 1992*.

exhibit includes, in relation to an election sign, the painting, writing, drawing, depiction, making, erection, installation, display, affixing, putting out, operation or transport of an election sign.

face area see schedule 4, sections 8 to 13 inclusive.

footway sign see schedule 3, section 3.

free-standing sign —

- (a) means a sign which does not form part of a building or other structure which is erected on a solid, free-standing structure; and
- (b) includes a footway sign.

height (of an advertising device) means the distance measured between the top of the advertising device and ground level directly adjacent to the advertising device.

illuminated sign see schedule 3, section 4.

impact assessment see *Planning Act 2016*, schedule 2.

land has the meaning given in the *Planning Act 2016*.

occupier, of premises—

- (a) means the person who has the control or management of the premises; and
- (b) includes the owner of the premises where there is no person in apparent occupation of the premises.

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

owner, of premises, means the registered owner of the premises as defined in the *Land Title Act 1994*, schedule 2.

permitted advertisement see schedule 1, section 2.

premises means any land, building or structure and includes any part thereof.

prohibited development see *Planning Act 2016*, schedule 2.

public place has the meaning given in the Act.

road has the meaning given in the Act.

sign see advertising device.

State heritage place has the meaning given in the *Queensland Heritage Act 1992*.

street front boundary —

- (a) of premises, means the length, measured in metres, along the alignment of the premises abutting a road or abutting an access restriction strip directly between the premises and a road; and
- (b) if premises continuously abut more than 1 road or access restriction strip directly between the premises and a road, the street front boundary dimensions shall be the total length of those boundaries added together; and
- (c) if premises have more than 1 street front boundary that is not continuous, each street front boundary is to be considered separately.

structure has the meaning given in the Act.

temporary directional community organisation sign see schedule 3, section 2.

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

zone means an area identified as a zone in the planning scheme of the local government.

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