

Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2012

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2012*.

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) 2012* 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), (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

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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.
- (10) For section 12 of the authorising local law, this subordinate local law prescribes—
 - (a) the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
 - (b) the individuals or organisations that are declared to be third party certifiers; and
 - (c) the qualifications that are necessary for an individual or organisation to be a third party certifier.

6 Approvals that are non-transferable—Authorising local law, s 15(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.

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—
 - (a) the activity is the installation, erection or display of a permitted advertisement that is visible from a road or other public place; or
 - (b) under the planning scheme of the local government, the prescribed activity is identified as—
 - (i) self assessable development; or
 - (ii) code assessable development; or
 - (iii) impact assessable development.
- (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 as—
 - (i) a real estate sign; or
 - (ii) an under awning sign; and
 - (b) installed, erected, maintained and displayed in accordance with the prescribed criteria in schedule 3; and
 - (c) installed, erected, maintained and displayed in accordance with the general criteria specified in schedule 4.

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

- (1) Full details of the proposed advertising device including—
 - (a) the name and address of the premises at which the proposed advertising device will be installed; and
 - (b) the name and address of the person responsible for the installation of the advertising device; and
 - (c) if available—the name and address of any business which will be

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advertised on the advertising device.

- (2) Details of all building work and other work to be carried out under the approval.
- (3) Details of the time and place at which the prescribed activity will be undertaken.
- (4) The proposed term of the approval.
- (5) The impact, if any, of the prescribed activity on pedestrian or vehicular traffic.
- (6) The materials, equipment and vehicles to be used in the undertaking of the prescribed activity.
- (7) Plans and specifications detailing—
 - (a) the location of the proposed advertising device; and
 - (b) the type and location of any utility, service or infrastructure to be used in the installation, erection or display of the proposed advertising device; and
 - (c) particulars of the content, if available, design, dimensions and construction of the proposed advertising device; and
 - (d) a site plan, to scale, of the proposed advertising device; and
 - (e) 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
 - (f) a copy of each development approval required for the installation, erection and display of the proposed advertising device; 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) material harm to human health or safety; or
 - (ii) property damage or loss of amenity; or
 - (iii) unreasonable nuisance; or
 - (iv) obstruction of pedestrian or vehicular traffic; or
 - (v) environmental harm; or

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- (vi) environmental nuisance; or
 - (vii) a likely road safety risk; or
 - (b) have a material adverse affect on the amenity of the area in which the prescribed activity is to be undertaken; or
 - (c) significantly obstruct the view of any premises.
- (2) The installation, erection and display of the proposed advertising device must comply with the general criteria specified in schedule 4.

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 unless the local government has received and approved an application for renewal of the term; and
 - (vi) exhibit specified signage warning about the conduct of the prescribed activity; and
 - (vii) construct the advertising device from specified materials; and

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- (viii) maintain the advertising device in good order and repair; and
 - (ix) install the advertising device at a specified location, or in a specified manner; and
 - (x) take specified measures to illuminate, or control the illumination of, the advertising device; and
 - (xi) 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.

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 **Mobile sign**



- (1) *A mobile sign* —
 - (a) is a temporary portable self supporting sign which is free-standing and may be mounted on wheels to facilitate movement; and
 - (b) includes an A-frame sign and a sandwich board; but
 - (c) does not include a free-standing sign or a real estate sign.
- (2) The criteria prescribed for a mobile sign are—
 - (a) the face area of the advertising device must not exceed 2.5m² on either side of the advertising device; and
 - (b) the display of mobile signs must not exceed 1 advertising device for each shop or business fronting a road; and
 - (c) where the advertising device advertises a particular shop or business, the advertising device must identify the shop or business; and
 - (d) the advertising device may only be placed on the premises of the shop or business it is advertising or promoting on a local government controlled area or a road if—
 - (i) no part of the advertising device protrudes more than 1m from the street front boundary of the premises; and
 - (ii) the advertising device is not a hazard to pedestrian or vehicular traffic; and
 - (iii) the advertiser takes out and maintains public liability insurance cover in an amount not less than \$10,000,000.00 against claims for personal injury and property damage resulting from the display of the advertising device; and
 - (e) the advertising device must be—
 - (i) placed so as to minimise visual clutter; and
 - (ii) kept erect and maintained in a good state of repair at all times; and
 - (iii) secured so as to prevent danger to pedestrian and vehicular traffic in

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windy conditions; and

- (f) the number of face areas of the advertising device must not exceed 2; and
- (g) the advertising device must not be illuminated.

2 Real estate sign



- (1) A *real estate sign* is a temporary, non-illuminated advertising device which promotes the sale, auction, lease or letting of premises.
- (2) The criteria prescribed for a real estate sign (other than a directional real estate sign) are—
 - (a) the advertising device must not—
 - (i) interfere with the safe and convenient passage of pedestrians; or
 - (ii) detract from the amenity of the area in which it is situated or unreasonably obstruct existing views; and
 - (b) the advertising device may be double sided; and
 - (c) the advertising device must not have a face area in excess of 0.6m²; and
 - (d) the number of real estate signs displayed at premises must not exceed 1 sign for each agent marketing the premises up to a maximum of 3 signs; and
 - (e) as an alternative to paragraphs (b) to (d) inclusive, an advertiser may display 1 sign having a maximum face area of 2.4m² at the premises; and
 - (f) the advertising device must not be displayed for—
 - (i) more than 14 days after the sale of the premises identified in the advertising device; or
 - (ii) more than 6 months in any 12 month period; and
 - (g) the advertising device must be kept erect and maintained in a good state of repair at all times; and
 - (h) if a high fence, foliage or the like obscures the advertising device, it must be located as close as practicable to the street front boundary of the premises.
- (3) The criteria prescribed for a directional real estate sign are—
 - (a) if the advertising device is displayed on land which is not a public place—
 - (i) a maximum of 3 advertising devices may be displayed; and
 - (ii) the face area of each advertising device must not exceed 0.6m²; and

- (iii) the advertising device—
 - (A) must only be displayed on the day on which the premises offered for sale are open for public inspection or offered for sale by auction; and
 - (B) must be located in close proximity to the premises; and
- (b) the advertising device must not be displayed on a road except subject to approval of an authorised person.

3 Inflatable sign



- (1) An *inflatable sign* is a fixed or captive balloon, including a tethered lighter than air device which is displayed in conjunction with a special event such as a fete, fair, circus, sales promotion or the like.
- (2) The criteria prescribed for an inflatable sign are—
 - (a) the advertising device must not be displayed for more than 14 days in any 90 day period; and
 - (b) the method of securing the advertising device must be certified as to standard by an accredited engineer prior to the display of the advertising device; and
 - (c) the location of the advertising device must be such that the display of the advertising device will not interfere with any power lines or other public services; and
 - (d) the advertiser must take out and maintain public liability insurance cover in an amount not less than \$10,000,000.00 against claims for personal injury and property damage resulting from the display of the advertising device; and
 - (e) the advertiser must produce to the local government on request evidence of the existence of the insurance specified in paragraph (d).

4 Roof/sky sign



- (1) A *roof/sky sign* is an advertising device fitted to the roof of a building.
- (2) The criteria prescribed for a roof/sky sign are—
 - (a) the advertising device must be contained within the existing or created outline of the building on which it is displayed; and
 - (b) if the advertising device creates a new outline for the building — the advertising device must be designed to appear as if it were part of the original building, or in some other way match or complement the architecture of the building; and
 - (c) the advertising device must not extend horizontally beyond the edge of the roof of the building on which it is displayed; and
 - (d) the advertising device must not be displayed less than 3m from any other roof/sky sign displayed on the building; and
 - (e) if there is more than 1 advertising device on a building, the advertising devices must match, align or otherwise be compatible with each other; and
 - (f) the source of illumination of the advertising device must be internal and not cause excessive light spill; and
 - (g) if the advertising device has a face area greater than 1.2m², the advertiser must obtain an engineer's certification for any structure dedicated for the support of the advertising device; and
 - (h) the advertising device must be installed without “guide wires” or exposed supporting framework.

5 Under awning sign



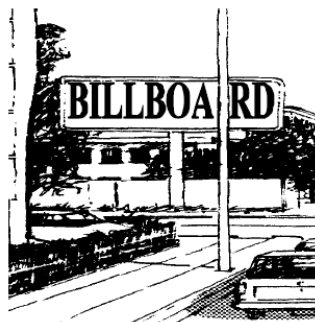
- (1) An *under awning sign* is an advertising device affixed underneath, or suspended from, an awning or verandah.
- (2) The criteria prescribed for an under awning sign are that the advertising device

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must—

- (a) have a minimum clearance of 2.4m between its lowest point and any directly adjacent road related area; and
- (b) not have a horizontal dimension greater than the width of the awning, a vertical dimension of more than 0.5m or a thickness of more than 0.3m; and
- (c) be oriented at right angles to the front of the building on which it is displayed; and
- (d) not be displayed less than 3m from another under awning sign; and
- (e) not be displayed less than 1.5m from each side boundary of the premises on which it is displayed; and
- (f) not project beyond the awning or verandah to which it is affixed.

6 Billboard/hoarding sign



- (1) A *billboard/hoarding sign* is an advertising device which —
 - (a) is free-standing; and
 - (b) has a face area greater than 2.4m²; and
 - (c) has a face area width greater than its face area height; and
 - (d) is normally elevated from the ground and supported by 1 or more vertical columns, pylons or poles; and
 - (e) is an erected structure used primarily for the display of advertising matter.
- (2) The criteria prescribed for a billboard/hoarding sign are—
 - (a) the advertising device must —
 - (i) not have a face area in excess of 48m²; and
 - (ii) not have a height in excess of 15m; and
 - (iii) not face adjoining premises unless it is more than 3m from each boundary of the premises; and
 - (iv) not be located or constructed so as to expose an unsightly back view of the advertising device; and
 - (v) not have more than 2 faces; and
 - (b) if the advertising device has 2 faces — the angle between each face must not be more than 45 degrees unless the space between each face is filled or cladded; and

- (c) only 1 double-sided billboard/hoarding sign may be displayed on premises except where the street front boundary of the premises exceeds 100m; and
- (d) if the street front boundary of the premises exceeds 100m, more than 1 double-sided billboard/hoarding sign is permitted, however, each billboard/hoarding sign must be not less than 100m apart; and
- (e) the advertising device must not be displayed less than 3m from any side boundary of the premises; and
- (f) the advertising device must be installed without “guide wires” or exposed supporting framework.

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

Schedule 1, section 2(2)(c)

1. This schedule specifies general criteria for the installation, erection and display of advertising devices.
2. The advertising device must—
 - (a) not cause a nuisance; and
 - (b) be kept and maintained at all times in good order and repair, and free of graffiti.
3. If an advertising device advertises an activity being conducted on premises—the activity must be able to be lawfully conducted on the premises.
4. The advertising device must be structurally sound.
5. The display of the advertising device must not cause obstruction of, or distraction to, pedestrian or vehicular traffic.
6. The advertising device must be of high design quality.
7. The face area of the advertising device must be appropriate for the location.
8. The height of the advertising device must be appropriate for the location.
9. The advertising device must not cause damage to public infrastructure.
10. The advertising device must be consistent with applicable environmental standards.
11. An illuminated advertising device must not be positioned so as to create glare or a nuisance to pedestrian or vehicular traffic.
12. The size and scale of the advertising device, whether attached to a building or free-standing, must be appropriate to the size and scale of the building (if any) and of the premises where it is erected or to be erected and the advertising device must not be oversized so as to detract from or dominate the building, premises or adjacent uses of the land on which it is to be displayed.
13. Where numerous small advertising devices are located adjacent to one another, the number, size, position and height of each advertising device must be limited to avoid visual clutter.
14. To avoid visual clutter, where more than 1 tenant or business occupies a building or attached premises, advertising devices located on the building, or free-standing signs, must be harmonious and co-ordinated in size and height.
15. The face area and size of an advertising device must be compatible with predominant land uses, the built environment and the orientation of the premises with respect to adjacent roads and buildings.
16. 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 from ground level directly adjacent to the advertising device.
17. The advertising device must be harmonious with the architectural style and character

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Chief Executive Officer

- of the location¹
18. An advertising device at a location must be compatible with landscaping and street features of the location.²
 19. 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 sign by reference to the size of the advertising device.
 20. The face area of any advertising device is generally the area bounded by the framework of a manufactured panel, hoarding or illuminated sign case and is calculated by multiplying the sign face area height and width parameters.
 21. However, in the case of lettering, logos or designs applied to a lesser area than the panel parameters, or individual lettering applied to a wall or awning face, the area is calculated by drawing a rectangle around the advertising device lettering.
 22. 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.
 23. Decorative lines, stripes and architectural trims of an advertising device, whether illuminated or not, form part of the face area of the advertising device.
 24. 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.
 25. The maximum face area for a free-standing sign is 48m².
 26. The maximum allowable height for a free-standing sign is 15m.
 27. An advertiser who installs an election sign or poster on premises for a government election must remove the election sign or poster from the premises not later than 7 days after the date of the government election.

¹ Where particular areas have unique or special characteristics which may affect advertising device requirements, separate guidelines or variations may be applied.

² Where additional treatment may enhance the compatibility of an advertising device, such treatment may be required.

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

Section 7

Subject to the chief executive's written agreement under the *Transport Operations (Road Use Management) Act 1995*, section 66(5)(b), every State-controlled road in the local government area of the local government.

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Ken Holt
Chief Executive Officer

Schedule 6 Dictionary

Section 4

advertiser means a person—

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

awning means a permanent, roof like structure, attached to and projecting from the wall of a building which is generally designed or constructed to provide pedestrians with protection against the weather.

billboard/hoarding sign see schedule 3, section 6.

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

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

election sign or poster has the meaning given in section 36 of the Act.

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

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

face area see schedule 4, sections 20 to 24 inclusive.

free-standing sign —

- (a) means a sign which does not form part of a building or other structure which is erected on—
 - (i) a pole or poles, or a pylon structure; or
 - (ii) a solid, free-standing structure; and

- (b) includes—
- (i) a billboard/hoarding sign; and
 - (ii) a real estate sign.

government election has the meaning given in section 36 of the Act.

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

illuminated, for an advertising device, means that the advertising device has specifically designed internal, or external or both internal and external, means of illumination of the whole or a portion of the advertising device.

inflatable sign see schedule 3, section 3.

land has the meaning given in the *Sustainable Planning Act 2009*.

mobile sign see schedule 3, section 1.

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.

owner, of premises, means the person for the time being entitled to receive the rent for the premises or who would be entitled to receive the rent for it if it were let to a tenant at a rent.

permitted advertisement see schedule 1, section 2(2).

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

public place has the meaning given in the Act.

real estate sign see schedule 3, section 2.

road has the meaning given in the Act.

road related area has the meaning given in the *Transport Operators (Road Use Management – Road Rules) Regulation 2009*.

roof means the protective covering, that covers or forms the top of a building.

roof/sky sign see schedule 3, section 4.

sign see advertising device.

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.

under awning sign see schedule 3, section 5.

vehicle has the meaning given in the local law.

This and the preceding 18 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2012* made in accordance with the provisions of the *Local Government Act 2009* by Burdekin Shire Council by resolution dated the 26th day of June 2012.

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Chief Executive Officer

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Ken Holt
Chief Executive Officer