



# Brisbane City Council

## Queen Street Mall Local Law

Consolidated as at 4/11/2014  
In force as at 7/11/2014



*Dedicated to a better Brisbane*

# Queen Street Mall Local Law

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**Part 3 – External appearance of buildings and other structures in or abutting the Mall**

51. In this Part, unless the context otherwise indicates or requires -

**"external surface"**, with respect to a building or other structure in or abutting the Mall, means such part of the external surface of that building or other structure as is visible from the works or from any building or other structure in the Mall and includes -

- (a) any external wall and cladding thereon;
- (b) any forecourt;
- (c) any door, door and window frame and window in any external wall; and
- (d) any column, roof, awning, blind, screen, step and stair,

in such part;

**"owner"**, in relation to any building or other structure erected on land which is rateable land for the purposes of the ordinances, means the person who is the owner of that land for the purposes of the making and levying of a general rate in respect of that land;

**"prescribed materials"** means those materials determined pursuant to ordinance 52 to be prescribed materials;

**"work"**, in relation to any external surface of a building or other structure in or abutting the Mall, means any erection, alteration, repair, restoration, addition or painting carried out in relation to, and which affects the appearance of, the whole or any part of that external surface but does not include work in relation to any structure by way of an advertising device.

52. The Council may from time to time by resolution determine that -

- (a) materials of a specified quality which in its opinion blend with materials used on the external surface of buildings or other structures then existing in or abutting the Mall; or
- (b) materials which are painted or similarly treated with paint or pigment of a specified quality that in its opinion blends with materials used on the external surface of buildings or other structures then existing in or abutting the Mall,

be prescribed materials.

53. The Council may from time to time by resolution determine guidelines -

- (a) relating to the carrying out of work in relation to an external surface of a building or other structure in or abutting the Mall and whether or not by reference to the use of prescribed materials;

- (b) prescribing the size and type of, and the materials to be used in, any structure by way of an advertising device which is to be put up in the Mall or any advertising device on the external surface of any building or other structure in or abutting the Mall.

**54.** The Council shall -

- (a) cause to be kept available for inspection by the public a statement or statements of all determinations made pursuant to ordinance 52 or 53 and then current;
- (b) make available to the public copies of any such determination upon payment of such sum, if any, as is payable therefor.

**55.(1)** A person shall not carry out any work in relation to an external surface of any building or other structure in or abutting the Mall unless that work -

- (a) is carried out in accordance with the guidelines determined pursuant to paragraph (2) of ordinance 53 and then current;
- (b) is carried out in accordance with the terms of a consent under this Part;
- (c) is authorised by a consent granted under Chapter 7 of the *Public Land and Council Assets Local Law 2014*;
- (d) is carried out in accordance with the requirements of a notice issued under paragraph (1) of ordinance 61;
- (e) is carried out in accordance with the requirements of a notice issued under paragraph (1) of ordinance 62;
- (f) in a case where that building or other structure is in or abuts the Mall only by reason of a Mall extension area becoming part of the Mall, is authorized by an approval of building work obtained pursuant to the Building Act 1975-1987 prior to the nominated day applicable to that Mall extension area;
- (g) is carried out in connexion with the erection of a building or other structure in any part of the Mall by the Council.

**(2)** Any person who does any act forbidden by paragraph (1) or suffers or permits such act to be done shall be guilty of an offence and shall be liable to a maximum penalty of 10 penalty units.

**56.** Upon application made therefor in accordance with ordinance 57, the Council may -

- (a) approve the granting of consent to the carrying out of any particular work in relation to an external surface of a building or other structure in or abutting the Mall; or
- (b) refuse to so approve.

**57. Section number not used.**

**58.** In determining an application made for the granting of consent to the carrying out of any particular work in relation to an external surface of a building or other structure in or abutting the Mall, the Council shall take into consideration the extent, if any, to which that

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work, if carried out, would detract from or enhance the appearance of any other building or other structure in or abutting the Mall or other buildings and other structures in or abutting the Mall as a whole.

- 59.** For the purpose of approving the granting of consent pursuant to ordinance 56, the Council may substitute for the particular work in respect of which the application for the granting of consent was made work which is a modification of that particular work where that modification is not a substantial modification.
- 60.** Where the Council makes a determination under ordinance 56, the person who made the relevant application shall be notified of that determination in writing under the hand of the Chief Executive Officer.
- 61.(1)** Where any work is carried out in relation to the external surface of any building or other structure in or abutting the Mall in contravention of ordinance 55, the Council may serve upon the owner of that building or other structure a notice in writing under the hand of the Chief Executive Officer directing that owner to carry out in relation to that external surface such further work -
- (a) as -
    - (i) is specified in that notice; or
    - (ii) at any time after the service of that notice may be agreed to by the Council in substitution for the further work specified in the notice; and
  - (b) as will render that external surface upon the carrying out of that further work, an external surface which will not detract from the appearance of any other building or other structure in or abutting the Mall or other buildings and other structures in or abutting the Mall as a whole,
- and therein notifying him -
- (c) of the specified date for the purposes of that further work; and
  - (d) of the provisions of paragraphs (2), (3), (4) and (5) of this ordinance.
- (2)** Any person upon whom a notice has been served in accordance with paragraph (1) shall, at any time after the date notified in that notice as the specified date for the purposes of the further work directed to be carried out by that notice and whilst he remains the owner of the relevant building or other structure and that further work remains undone, be deemed to have failed to carry out that further work.
- (3)** Any person who by virtue of paragraph (2) is deemed to have failed to carry out further work which he has been directed to carry out by a notice served on him in accordance with paragraph (1) shall be guilty of an offence and shall be liable to a maximum penalty of 10 penalty units.
- (4)** Without prejudice to paragraph (3), where at any time a person is by virtue of paragraph (2) deemed to have failed to carry out further work which he has been directed to carry out by a notice served on him in accordance with paragraph (1), the Council may cause that further work to be carried out and the amount expended by the Council in so doing shall be a debt due to the Council from that person.

- (5) A debt due to the Council under paragraph (4), if not paid within 30 days after the date of service of a notice of demand for payment under the hand of the Chief Executive Officer, may be recovered in any court of competent jurisdiction.

**62.(1)** Where in the opinion of the Council an external surface of a building or other structure in or abutting the Mall is in -

- (a) a dirty condition from any cause whatsoever;
- (b) a state of disrepair; or
- (c) need of repainting,

to such an extent that the appearance of that external surface detracts from the appearance of any other building or structure in or abutting the Mall or of the Mall generally, the Council may serve upon the owner or occupier of that building or other structure a notice in writing under the hand of the Chief Executive Officer directing that owner or occupier, as the case may be, to carry out such work or cleaning in relation to that external surface as is specified in the notice and as will in the opinion of the Council restore that external surface to a clean, sound or painted condition, as the case may be, and therein notifying him -

- (d) of the specified date for the purposes of that work or cleaning; and
- (e) of the provisions of paragraphs (2), (3), (4) and (5) of this ordinance.

(2) Any person upon whom a notice has been served in accordance with paragraph (1) shall, at any time after the date notified in that notice as the specified date for the purposes of the work or cleaning directed to be carried out by that notice and whilst he remains the owner or occupier of the relevant building or other structure and that work or cleaning remains undone, be deemed to have failed to carry out that work or cleaning.

(3) Any person who by virtue of paragraph (2) is deemed to have failed to carry out the work or cleaning which he has been directed to carry out by a notice served on him in accordance with paragraph (1) shall be guilty of an offence and shall be liable to a maximum penalty of 10 penalty units.

(4) Without prejudice to paragraph (3), where at any time a person is by virtue of paragraph (2) deemed to have failed to carry out the work or cleaning which he has been directed to carry out by a notice served on him in accordance with paragraph (1), the Council may cause that work or cleaning to be carried out and the amount expended by the Council in so doing shall be a debt due to the Council from that person.

(5) A debt due to the Council under paragraph (4), if not paid within 30 days after the date of service of a notice of demand for payment under the hand of the Chief Executive Officer, may be recovered in any court of competent jurisdiction.

**63.** An application for a license for an advertising device which is to be affixed to or painted on the external surface of any building or other structure in or abutting the Mall shall not be granted unless -

- (a) that advertising device complies with the guidelines then current determined under paragraph (b) of ordinance 53;

- (b) where there are no such guidelines, in the opinion of the Council the advertising device is of a size and type and is made of a material that will not detract from the general appearance of the Mall and the buildings and other structures abutting the Mall.

**Part 4 – Part number not used**

**Part 5 – Part number not used**

**Part 6 – Part number not used**

**Part 7 – Part number not used**

## Endnotes

### Key

#### Key to abbreviations in list of amendments

Key	Explanation
amd =	amended
ch =	chapter
def =	definition
div =	division
hdg =	heading
ins =	inserted
om =	omitted
pt =	part
renum =	renumbered
rep =	repealed
s =	section
sch =	schedule
sub =	substituted

#### List of amendments

##### **PART 1 PRELIMINARY**

Part 1	om	<i>Public Land and Council Assets Local Law 2014 s 97</i>
s 4(1)	amd	<i>Administrative Arrangements Amending Local Law 2013 s 4</i>

##### **PART 2 USE, ETC. OF THE MALL**

Part 2	om	<i>Public Land and Council Assets Local Law 2014 s 97</i>
s11(5)	amd	<i>Administrative Arrangements Amending Local Law 2013 s 47</i>
s12(2)	amd	<i>Administrative Arrangements Amending Local Law 2013 s 47</i>
s18(1)(c)	amd	<i>Administrative Arrangements Amending Local Law 2013 s 4</i>
s20(3)	amd	<i>Administrative Arrangements Amending Local Law 2013 s 4</i>
s22	amd	<i>Administrative Arrangements Amending Local Law 2013 s 4</i>
s23(2)	amd	<i>Administrative Arrangements Amending Local Law 2013 s 4</i>
s23(4)	amd	<i>Administrative Arrangements Amending Local Law 2013 s 4</i>
s23(5)	amd	<i>Administrative Arrangements Amending Local Law 2013 s 4</i>
s29(1)	amd	<i>Administrative Arrangements Amending Local Law 2013 s 4</i>
s29(2)(a)	amd	<i>Administrative Arrangements Amending Local Law 2013 s 4</i>
s45(a)	amd	<i>Administrative Arrangements Amending Local Law 2013 s 4</i>
s46(2)	amd	<i>Administrative Arrangements Amending Local Law 2013 s 4</i>
s47(2)	amd	<i>Administrative Arrangements Amending Local Law 2013 s 47</i>
s49(2)	amd	<i>Administrative Arrangements Amending Local Law 2013 s 47</i>
s50(4)	amd	<i>Administrative Arrangements Amending Local Law 2013 s 47</i>

##### **PART 3 EXTERNAL APPEARANCE OF BUILDINGS AND OTHER STRUCTURES IN OR ABUTTING THE MALL**

s55(1)(c)	amd	<i>Public Land and Council Assets Local Law 2014 s 97</i>
s55(2)	amd	<i>Administrative Arrangements Amending Local Law 2013 s 48</i>
s57	om	<i>Public Land and Council Assets Local Law 2014 s 97</i>
s60	amd	<i>Administrative Arrangements Amending Local Law 2013 s 4</i>
s61(1)	amd	<i>Administrative Arrangements Amending Local Law 2013 s 4</i>
s61(3)	amd	<i>Administrative Arrangements Amending Local Law 2013 s 48</i>
s61(5)	amd	<i>Administrative Arrangements Amending Local Law 2013 s 4</i>
s62(1)	amd	<i>Administrative Arrangements Amending Local Law 2013 s 4</i>
s62(3)	amd	<i>Administrative Arrangements Amending Local Law 2013 s 48</i>
s62(5)	amd	<i>Administrative Arrangements Amending Local Law 2013 s 4</i>



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**PART 4 SPECIAL PROVISION RELATING TO DRIVING OF VEHICLES IN DESIGNATED ROAD AREAS**

Part 4 om *Public Land and Council Assets Local Law 2014 s 97*

**PART 5 FIXING OF FEES, ETC**

Part 5 om *Public Land and Council Assets Local Law 2014 s 97*  
s66 amd *Administrative Arrangements Amending Local Law 2013 s 4*

**PART 6 EVIDENTIARY**

Part 6 om *Public Land and Council Assets Local Law 2014 s 97*  
s68(1) amd *Administrative Arrangements Amending Local Law 2013 s 4*

**PART 7 SAVINGS**

Part 7 om *Public Land and Council Assets Local Law 2014 s 97*  
s72 amd *Administrative Arrangements Amending Local Law 2013 s 4*