

Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2011

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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) 2011*.

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), (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 2 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, in Table 1 of schedule 1—
 - (a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
 - (b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and
 - (c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

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; and
- (b) installed, erected and displayed in accordance with the prescribed criteria in schedule 3; and
- (c) installed, erected 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) the name and address of any business which will be 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) each item of equipment to be used in the installation, erection or display of the proposed advertising device; and
 - (c) 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
 - (d) particulars of the content, design, dimensions and construction of the proposed advertising device; and
 - (e) a site plan, to scale, of the proposed advertising device; and
 - (f) 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
 - (g) a copy of each development approval required for the installation, erection and display of the proposed advertising device; and
 - (h) 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) obstruction 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) 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; and
 - (vi) exhibit specified signage warning about the conduct of the prescribed activity; and
 - (vii) construct the advertising device from specified materials; and
 - (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.

Table 1 – Third party certification

Column 1 Application requirement	Column 2 Individuals or organisations that are third party certifiers	Column 3 Qualifications necessary to be a third party certifier
No application requirement stated		

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 Portable signs

- (1) A portable 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.
- (2) A criteria prescribed for a portable sign are—
 - (a) premises used for commercial purposes may install 1 portable sign but only—
 - (i) on the footpath directly adjacent to the premises; and
 - (ii) if the display of the portable sign is limited to the business hours for the premises; and
 - (b) the portable sign must relate to the commercial activity conducted at the premises; and
 - (c) the advertiser must take out and maintain public liability insurance in an amount not less than \$10 million and produce documentary evidence of the insurance to the local government on demand; and
 - (d) the face area of 1 side of the portable sign must not exceed 0.75m² and the face area of all sides of the portable sign must not exceed 1.5m²; and
 - (e) the portable sign must be structurally sound and resist movement by wind; and
 - (f) the portable sign must be removed from the footpath during periods of high wind which are likely to result in the movement of the sign; and
 - (g) the portable sign must be installed so as to—
 - (i) allow for the free flow of pedestrian traffic; and
 - (ii) maintain, for the length of the footpath, a clear unobstructed pedestrian corridor having a width not less than 2m; and
 - (h) the portable sign must not be illuminated, flashing or have any moving parts.

2 Temporary signs

- (1) A temporary sign—
 - (a) is an advertising device that is constructed in a manner that allows the advertising device to be readily moved or relocated; but
 - (b) does not include a portable sign on a footpath; and
 - (c) includes each of—
 - (i) a construction sign; and

- (ii) an events sign; and
 - (iii) a mobile sign; and
 - (iv) a real estate sign.
- (2) The criteria prescribed for a temporary sign are—
- (a) a temporary sign which is a real estate sign advertising premises for sale or lease may be located on or within the boundary of the premises advertised on the sign; and
 - (b) 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
 - (c) a temporary sign advertising a commercial activity at premises may only be displayed on the premises; and
 - (d) the advertiser must take out and maintain public liability insurance in an amount not less than \$10 million and produce documentary evidence of the insurance to the local government on demand; and
 - (e) a temporary sign must not be displayed for more than 6 months in any 12 month period; and
 - (f) a temporary sign which is airborne above a structure must be affixed no higher than 15m above the top of the structure and must be able to withstand severe weather conditions; and
 - (g) the advertiser must produce to an authorised person on demand, an engineer's certification for any structure dedicated for the support of the advertising device; and
 - (h) if the temporary sign is a horizontal banner—
 - (i) the advertising device must not cover or hide any architectural feature of a building or structure; and
 - (ii) the face area of the advertising device must not exceed 8m²; and
 - (iii) if the horizontal banner is installed on premises — no other temporary sign may be displayed at the premises unless the horizontal banner advertises a community event; and
 - (i) if the temporary sign is a vertical banner—
 - (i) the advertising device must not cover or hide any architectural feature of a building or structure; and
 - (ii) the vertical banner must not project above the roof line of a building to which the vertical banner is attached; and
 - (iii) the maximum width of the advertising device must not exceed 0.6m; and
 - (iv) the face area of the advertising device must not exceed 2m²; and
 - (j) if the temporary sign is not a horizontal banner or a vertical banner — the face area of the temporary sign must not exceed 1.2m by 0.9m; and
 - (k) a maximum of 1 vertical banner is permitted on premises for every 15m of the street front boundary of the premises.

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, including any structure associated with the support of the advertising device, must be structurally sound and safe.
3. The display of the advertising device must not cause obstruction of, or distraction to, pedestrian or vehicular traffic on a road or any road-related area.
4. An advertising device must not be located so as to form a background to a road or road-related area when viewed from any direction.
5. An advertising device must not reflect any vehicle headlight glare towards—
 - (a) a road; or
 - (b) a road-related area; or
 - (c) a sensitive place.
6. An advertising device which is illuminated must be shielded to prevent the illumination of any road or road-related area in a manner that causes, or may cause, obstruction of, or distraction to, pedestrian or vehicular traffic.
7. An advertising device may only be erected on premises with the written consent of the registered owner or trustee of the premises and the advertiser must produce the written consent to the local government on demand.
8. An advertising device which advertises premises, or an activity conducted on the premises, which is not installed on the premises, must not diminish the visual amenity of the locality on which the advertising device is installed.
9. Only 1 advertising device which is visible from a road may be installed on premises.
10. An advertiser must not install an advertising device near, or in proximity to, an intersection of 2 or more roads if the advertising device causes, or may cause, obstruction of, or distraction to, pedestrian or vehicular traffic.
11. The advertiser of an advertising device must maintain the advertising device in good order and repair.
12. The advertiser of an advertising device installed on a State-controlled road must produce documentary evidence of the approval of the State to the installation of the advertising device on the State-controlled road on demand.

**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.

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.

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

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

construction sign means an advertising device erected on, or adjacent to, a building or a structure during construction or refurbishment of the building or structure.

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

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

events sign means an advertising device that advertises a local event of a cultural, educational, recreational, religious, social or similar nature.

face area, of an advertising device —

- (a) means, 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; and
- (b) 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 calculated by drawing a rectangle around the advertising device lettering; and
- (c) 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 calculated by not more than 2 abutting and non-overlapping rectangles added together; and

- (d) if decorative lines, stripes or an architectural trim forms part of an advertising device, whether illuminated or not, the decorative lines, stripes and architectural trim forms part of the face area of the advertising device.

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

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

horizontal banner means a temporary advertising device suspended from a structure or pole with or without supporting framework displaying an advertising device applied or painted to fabric or similar material of any kind.

horizontal banner sign see horizontal banner.

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 means 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.

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

mobile sign means a portable free standing lightweight advertising device, generally mounted on wheels, and includes an inflatable sign and a horizontal or vertical banner sign.

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 means an advertising device which promotes the sale, auction, lease or letting of premises.

road has the meaning given in the authorising local law.

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.

sensitive place includes any of the following—

- (a) a dwelling;

- (b) a library, childcare centre, kindergarten, school, college, university or other educational institution;
- (c) a hospital, surgery or other medical institution;
- (d) a protected area, or an area identified under a conservation plan as a critical habitat or an area of major interest, under the *Nature Conservation Act 1992*;
- (e) a marine park under the *Marine Parks Act 1982*;
- (f) a park or reserve that is open to the public (whether or not on payment of a fee) for use other than for sport or organised entertainment.

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.

third party advertising, on an advertising device, means the display on the advertising device of—

- (a) the name, logo or symbol of a company, organisation or individual which does not own or substantially occupy the premises on which the advertising device is displayed; or
- (b) a product or service which is not supplied at, or available from, the premises on which the advertising device is displayed; or
- (c) an activity or event which does not occur on the premises on which the advertising device is displayed.

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

vertical banner means an advertising device of non-rigid material normally supported at 2 or more locations from brackets from either a pole or a building.

vertical banner sign see vertical banner.

This and the preceding 14 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2011* made in accordance with the provisions of the *Local Government Act 2009* by Bundaberg Regional Council by resolution dated the 13th day of December 2011.

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Chief Executive Officer

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