

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 the activity is the installation, erection or display of a permitted advertisement that is visible from a road or other public place.
- (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 Banner sign



- (1) A *banner sign* —
- (a) is a temporary, non-illuminated advertising device intended to be 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; and
 - (b) includes real estate, for lease, lease, auction, inspection and directional messages.
- (2) The criteria prescribed for a banner sign are—
- (a) the advertising device must only be displayed for short term promotional purposes; and
 - (b) the advertising device must not have a face area in excess of 2.4m²; and
 - (c) the advertising device may only be displayed for 14 days or less within any 90 day period prior to the function or occasion advertised on the advertising device; and
 - (d) the advertising device must be affixed to a structure that will accommodate wind loadings for the area; and
 - (e) the advertising device must not be affixed to a tree, lighting standard or power pole on a local government controlled area or a road; and
 - (f) the advertising device must not be erected above the gutter line or on the roof of a building.

2 Directional community organisation sign

- (1) A *directional community organisation sign* is a temporary, non-illuminated advertising device the primary purpose of which is to direct the public to a non profit short term event such as a fete, fair, festival or other similar event advertised on the advertising device.
- (2) The criteria prescribed for a directional community organisation sign are—
- (a) no more than 10 advertising devices may be displayed on a road-related area and each advertising device must have a maximum face area of 0.6m²; and

- (b) the advertising device may be displayed—
 - (i) on the day of the event, and for a period not more than 3 days prior to the event advertised on the advertising device; and
 - (ii) on a road-related area, in the vicinity of the fete, fair or festival event; and
- (c) an advertising device with a maximum face area of 2.4m^2 may be erected on rateable land other than a public place not more than 14 days prior to the event advertised on the advertising device and must be removed within 1 day after the event; and
- (d) the siting of the advertising device must not cause a pedestrian or vehicular hazard; and
- (e) the advertiser of the advertising device 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.

3 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 real estate sign.
- (2) The criteria prescribed for a mobile sign are—
 - (a) the face area of the advertising device must not exceed 2.5m^2 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 or weighted down so that the advertising device is not, and is not capable of becoming, a danger to pedestrian or vehicular traffic in 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.

4 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 0.6m^2 ; and
 - (d) the number of real estate signs displayed at premises must not exceed 1 sign for each agent marketing the premises; and
 - (e) as an alternative to paragraphs (b) to (d) inclusive, an advertiser may display 1 sign having a maximum face area of 2.4m^2 at the premises; and
 - (f) an advertising device promoting the sale of premises must not be displayed for—
 - (i) more than 14 days after the date of settlement of the sale of the premises; or
 - (ii) more than 6 months in any 12 month period; and

- (g) an advertising device promoting the leasing or letting of premises must not be displayed for more than 3 days after the premises are leased or let; and
 - (h) the advertising device must be kept erect and maintained in a good state of repair at all times; and
 - (i) 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 0.6m^2 ; 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 with the approval of an authorised person.

5 Vertical banner sign



- (1) A *vertical banner sign* is an advertising device of a non-rigid material normally supported at 2 or more locations from brackets extending from either a pole or a building.
- (2) The criteria prescribed for a vertical banner sign are that the advertising device must—
 - (a) not be illuminated; and
 - (b) not have a face area in excess of 2.4m^2 ; and
 - (c) not have a width in excess of 750mm; and
 - (d) not have a height in excess of 5m above ground level directly adjacent to the advertising device; and
 - (e) be erected within the street front boundary of the premises on which it is displayed unless the advertising device is displayed above a fixed awning; and

- (f) not be displayed less than 6m from another vertical banner sign; and
- (g) not be displayed less than 3m from any boundary of the premises on which it is displayed; and
- (h) not extend lower than 2.4m above ground level directly adjacent to the advertising device; and
- (i) not have more than 2 face areas.

6 Roadside directional sign



- (1) A *roadside directional sign* is an advertising device located on a road-related area to advertise an open house day, estate, development or auction of premises which are difficult to locate.
- (2) The criteria prescribed for a roadside directional sign are—
 - (a) the advertising device must—
 - (i) not have a face area in excess of 0.6m^2 ; and
 - (ii) be located in the vicinity of the auction, estate, development or open-house advertised on the advertising device; and
 - (iii) not be displayed on a median strip, roundabout, traffic island, pole, post or any other structure on a road reserve except as approved by an authorised person; and
 - (b) not more than 5 roadside directional signs may be displayed by a licensed real estate agent; and
 - (c) the advertising device must at all times display a reference to the registered real estate office responsible for the display of the advertising device; and
 - (d) the advertising device must not cause a hazard to pedestrian or vehicular traffic; and
 - (e) the advertising device must not be displayed on a motorway or a limited access road; and
 - (f) the advertiser of the advertising device 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
 - (g) a roadside directional sign may only be placed on a road reserve between 6.00pm on Friday and 6.00pm on the following Sunday; and
 - (h) roadside directional signs must be used together, or in sequence, to direct people to premises which are the subject of an auction, estate, development or open-house and must be located within a reasonable distance of the premises; and

- (i) the advertising device must not be illuminated.

7 Motor vehicle sign

- (1) A *motor vehicle sign*¹ is an advertising device affixed to, placed upon, or beside, a vehicle, caravan or trailer apparently stopped on rateable land for the primary purpose of displaying the advertising device.
- (2) The criteria prescribed for a motor vehicle sign are that the advertising device must —
 - (a) not have a face area in excess of 2.4m²; and
 - (b) not extend beyond the dimensions of, as the case may be, the vehicle, caravan or trailer; and
 - (c) not cause a hazard to pedestrian or vehicular traffic; and
 - (d) be static; and
 - (e) not be illuminated or constructed from reflective material.

8 Variable message sign

- (1) A *variable message sign* is an advertising device that is—
 - (a) an electronic sign placed on a road or a road-related area to convey information or directions to road users, but is not otherwise illuminated; and
 - (b) capable of conveying varying information from time to time; and
 - (c) trailer mounted; and
 - (d) able to be programmed and varied manually, electronically or remotely.
- (2) This section specifies the criteria prescribed for a variable message sign.
- (3) A variable message sign must not be installed or displayed on a road or a road-related area unless the variable message sign—
 - (a) is installed or displayed by the local government and conveys information or directions about—
 - (i) road construction, maintenance or improvement activities of the local government; or
 - (ii) road safety activities of the local government; or
 - (b) is installed or displayed by the local government and conveys information about public consultation which has been undertaken, or is to be undertaken, by the local government; or
 - (c) is installed or displayed—
 - (i) for the primary purpose of directing the public to a short term event such as a fete, fair, festival or other similar event which is advertised on the variable message sign; and
 - (ii) only on the day of the event advertised on the variable message sign, and for a period of not more than 3 days prior to the event, and is

¹ See section 4 of the authorising local law. The local law does not apply to an advertising device that is the subject of a permit issued pursuant to section 126 or 126B of the *Traffic Regulation 1962*.

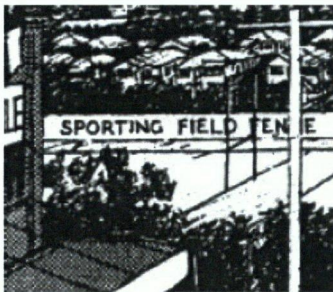
removed from the road or road-related area not more than 1 day after the event; and

- (iii) so that the siting of the variable message sign does not cause a pedestrian or vehicular hazard.

9 Business Sign

- (1) A **business sign** is an advertising device installed, erected or displayed on premises used predominantly for business or commercial purposes which—
- (a) advertises the business or commercial activity conducted on the premises; and
 - (b) is painted or otherwise affixed to a building, wall, fence or structure at the premises, or is freestanding on the premises; but
 - (c) is not a real estate sign.
- (2) The criteria prescribed for a business sign displayed on premises are—
- (a) the face area of the advertising device must not exceed 2m²; and
 - (b) if the premises have—
 - (i) 1 street front boundary—not more than 1 advertising device may be displayed on the street front boundary of the premises;
 - (ii) more than 1 street front boundary—not more than 1 advertising device may be displayed on each street front boundary of the premises; and
 - (c) the advertising device must complement the architecture and design of the building on the premises; and
 - (d) the advertising device must not be illuminated; and
 - (e) the advertising device must not be located so as to cause a pedestrian or vehicular hazard; and
 - (f) the advertising device must be consistent in colour and appearance, with buildings and natural features of the environment in which it is displayed; and
 - (g) third party advertising must not be displayed on the advertising device.

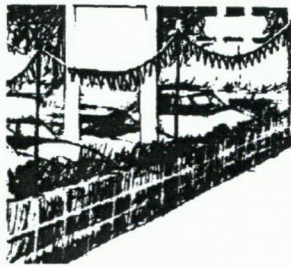
10 Sporting field fence sign



- (1) A **sporting field fence sign** is an advertising device which is painted or otherwise affixed to a fence marking the boundaries of a sporting field.
- (2) The criteria prescribed for a sporting field fence sign are—
- (a) for an advertising device displayed on a sporting field—the advertising

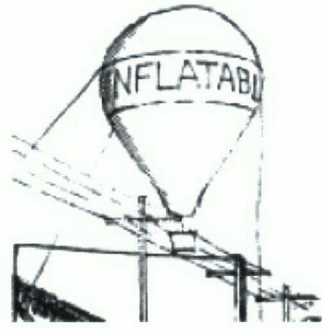
- device must acknowledge, or promote, a business which sponsors the club which has the right to occupy the sporting field; and
- (b) the advertising device must be displayed on a fence surrounding the sporting field; and
 - (c) the advertising device must not be visible from any road, public place (other than the sporting field) or premises used for residential purposes; and
 - (d) each sporting field fence sign displayed on a fence must be—
 - (i) contained within the boundaries of the fence; and
 - (ii) uniform, in shape and size, with the other sporting field fence signs displayed on the fence; and
 - (e) the advertising device must not cause a danger to the public; and
 - (f) if the advertiser is a sporting club or association, the advertiser must erect or display the advertising device immediately adjacent to the area allocated to the advertiser for conduct of the advertiser's sporting activity.

11 Bunting sign



- (1) A *bunting sign* includes decorative flags, pennants and streamers.
- (2) The criteria prescribed for a bunting sign are—
 - (a) the advertising device must be affixed to a structure that will accommodate wind loadings in the area; and
 - (b) the advertising device must not be affixed to a tree, lighting standard or power pole on a local government controlled area or a road; and
 - (c) the advertising device must not be placed on premises more than 6m above ground level directly adjacent to the advertising device; and
 - (d) if requested by an authorised person, the advertiser must provide an engineer's certification for any structure dedicated for the support of the advertising device; and
 - (e) the advertising device must not be placed on premises beyond the street front boundary of the premises.

12 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 \$20,000,000.00 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).

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 condition and free of graffiti.
3. The activity being advertised on an advertising device on premises 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—
 - (a) cause obstruction of, or distraction to, pedestrian or vehicular traffic; or
 - (b) protrude in a manner that—
 - (i) interferes, or could interfere, with pedestrian access; or
 - (ii) causes, or could cause, damage to a vehicle.
6. The advertising device must be—
 - (a) of high design quality; and
 - (b) designed and situated so as not to expose an unsightly rear view of the sign; and
 - (c) constructed of quality materials which can be, and are, maintained in a neat, clean and tidy manner at all times.
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. If the advertising device is illuminated—
 - (a) the advertising device must not be positioned so as to create glare or a nuisance to pedestrian or vehicular traffic; and
 - (b) the illumination of the advertising device must not flash, revolve or involve the production of sound or smell.
12. The size and scale of the advertising device, whether attached to a building or freestanding—
 - (a) must be appropriate to the size and scale of the building (if any) and of the premises on which it is to be displayed; and
 - (b) 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; and



- (c) must not result in the alteration of the silhouette of the building (if any) on which it is to be displayed, for example, by extending vertically beyond or above any wall, parapet or the roof of the building; and
- (d) must not cover or obscure any architectural feature of the building (if any) on which it is to be displayed.
13. Where numerous small advertising devices are located adjacent to 1 another, the number, size, position and height of each advertising device must be limited to avoid impacts on visual amenity.
14. To avoid impacts on visual amenity, where more than 1 tenant or business occupies a building or attached premises, advertising devices located on the building, or free-standing, 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 of the location²
18. The advertising device must blend with landscaping and street features of the location.³
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.

² Where particular areas have unique or special characteristics which may affect advertising device requirements, separate guidelines or variations may be applied.

³ 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.



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.

banner sign see schedule 3, section 1.

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

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

bunting sign, see schedule 3, section 11.

business sign see schedule 3, section 9.

caravan has the meaning given in the *Transport Operations (Road Use Management – Vehicle Registration) Regulation 1999*.

directional community organisation sign see schedule 3, section 2.

directional real estate sign is an advertising device the primary purpose of which is to direct the public to premises which are offered for sale, auction, lease or letting.

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.

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 12.

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

limited access road has the meaning given in section 54 of the *Transport Infrastructure Act 1994*.

mobile sign see schedule 3, section 3.

motorway has the meaning given in the *Transport Infrastructure Act 1994*.

motor vehicle sign see schedule 3, section 7.

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.

rateable land has the meaning given in the Act.

real estate sign see schedule 3, section 4.

road has the meaning given in the Act.

roadside directional sign see schedule 3, section 6.

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.

sign see advertising device.

sporting field means land used for a sport or game and includes a golf course.

sporting field fence sign, see schedule 3, section 10.

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 or building 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.

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

variable message sign see schedule 3, section 8.

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

vertical banner sign see schedule 3, section 5.

This and the preceding 22 pages is a certified copy of the consolidated version of *Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2011* adopted in accordance with the provisions of section 32 of the *Local Government Act 2009* by Gladstone Regional Council by resolution dated 64 day of December 2016.



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Chief Executive Officer

