

# 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)        development which is accepted development or prohibited development; or
    - (ii)       assessable development which is subject to code assessment or impact assessment; or
  - (c)        the activity is the installation, erection or display of a traffic control device.
- (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)        An approval is not required under the authorising local law for a change of the advertising media of an advertising device if—
  - (a)        the advertising device is a permitted advertisement; and
  - (b)        there is no change to the total face area of the permitted advertisement; and
  - (c)        the advertiser for the advertising device gives written notice of the change of the advertising media of the advertising device to the local government within 10 business days of the date of the change.
- (4)        For the avoidance of doubt, a person must not undertake the installation, erection or display of a pole sign, a billboard/hoarding sign, a pylon sign or a

digital display version of a wall sign, a projecting sign or a roof/sky sign that is visible from a road or other public place without a current approval granted by the local government.

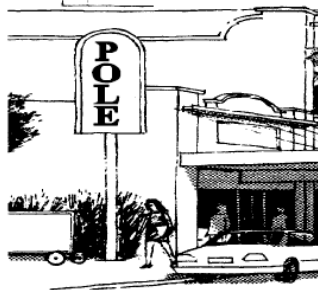
- (5) For the avoidance of doubt, if a person installs, erects or displays an advertising device that is visible from a road or other public place, the person must not change the advertising media of the advertising device, either in part or in whole, without a current approval granted by the local government.

*Example—An approved pylon sign utilises painted signwriting on a solid material and the pylon sign is converted, in part or entirely, to an LED or LCD display, a change of advertising media of the advertising device. The holder of the approval must not change the advertising media of the advertising device without a current approval for the change of the advertising media granted by the local government.*

- (6) In this section—

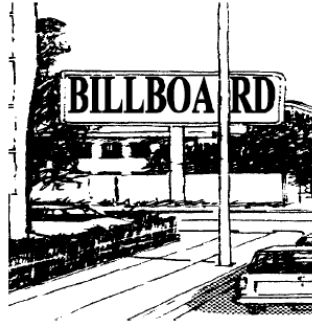
(a) ***pole sign*** means an advertising device which—

- (i) is free-standing on 1 or more vertical supports which has a face area not in excess of 2.4m<sup>2</sup> on any side; and
- (ii) may have a face area consisting of separate slats, panels or components which are removable and replaceable; and
- (iii) does not have a height in excess of 5m;



(b) ***billboard/hoarding sign*** means an advertising device which —

- (i) is free-standing; and
- (ii) has a face area greater than 2.4m<sup>2</sup> but less than 45m<sup>2</sup>; and
- (iii) has a face area width greater than its face area height; and
- (iv) is normally elevated from the ground and supported by 1 or more vertical columns, pylons or poles; and
- (v) is an erected structure used primarily for the display of advertising matter; and
- (vi) does not have a height in excess of 15m;



- (c) ***pylon sign*** means an advertising device which—
- (i) is free-standing; and
  - (ii) has a face area greater than 2.4m<sup>2</sup> but less than 40m<sup>2</sup>; and
  - (iii) has a face area height greater than its face area width; and
  - (iv) is normally elevated from the ground and supported by 1 or more vertical columns, pylons or poles; and
  - (v) may have a face area consisting of separate slats, panels or components which are removable and replaceable; and
  - (vi) does not have a height in excess of 15m.



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

- (1) A completed application for the local government's approval of the prescribed activity made in the form approved by the local government, an "Application to Erect a Sign" including—
- (a) the name and address of the applicant; and
  - (b) details of the premises at which the prescribed activity is to be undertaken; and
  - (c) particulars of the advertising device, including the type of advertising device; and
  - (d) the lodgement instructions of the local government; and
  - (e) the pro forma declaration of the local government, duly completed, and

signed, by the applicant.

- (2) If the prescribed activity is to be undertaken within the restriction zone area as described in the “Transport Main Roads – Roadside Advertising Manual”— a traffic and safety impact assessment report, prepared, and signed by, an RPEQ.
- (3) Particulars of the period required to complete construction of the advertising device, and if the period of construction is likely to be longer than 6 months from the date of issue of the approval, particulars of any additional term of the approval.
- (4) Plans and specifications detailing—
  - (a) 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
  - (b) particulars of the content, design, dimensions and construction of the proposed advertising device; and
  - (c) a site plan, to scale, of the proposed advertising device; and
  - (d) if the applicant is not the owner of the premises on which the proposed advertising device is to be installed, erected or displayed, the consent of the owner of the premises to the installation, erection and display of the advertising device; and
  - (e) a copy of each development approval required for the installation, erection and display of the proposed advertising device; and
  - (f) 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.
- (3) The installation, erection and display of the proposed advertising device must comply with additional criteria as follows—
  - (a) if the advertising device is a pole sign —
    - (i) the face area of the advertising device must not exceed 2.4m<sup>2</sup>; and
    - (ii) the advertising device must not be displayed less than 1.5m from any boundary of the premises; and
    - (iii) the height of the advertising device must not exceed 5m; and
  - (b) if the advertising device is a billboard/hoarding sign —
    - (i) the face area of the advertising device must not exceed 45m<sup>2</sup>; and
    - (ii) the advertising device must not be displayed less than 3m from any boundary of the premises; and
    - (iii) the height of the advertising device must not exceed 15m; and
  - (c) if the advertising device is a pylon sign —
    - (i) the face area of the advertising device must not exceed 40m<sup>2</sup>; and
    - (ii) the advertising device must not be displayed less than 1.5m from any boundary of the premises; and
    - (iii) the height of the advertising device must not exceed 15m; and
  - (d) if the advertising device is a digital display version of a wall sign, a projecting sign or a roof/sky sign — the advertising device must comply with the definitions and prescribed criteria for the installation, erection and display of the advertising device in schedule 3; and
  - (e) if the advertising device is a billboard/hoarding sign or a pylon sign which does not have an electronic display component—
    - (i) the advertising device must not be displayed within 100m of another billboard/hoarding sign or pylon sign if the other advertising device is visible to a driver on a road at the same time;

- (ii) the advertising device must not be displayed within 75m of another billboard/hoarding sign or pylon sign if the other advertising device is not visible to a driver on a road at the same time; and
- (f) if the advertising device is a billboard/hoarding sign or a pylon sign which has an electronic display component and is visible from a road—
  - (i) and the road has a maximum speed of 100 kms per hour or more — the advertising device must not be displayed within 500m of another billboard/hoarding sign or pylon sign if the other advertising device is visible to a driver on the road at the same time;
  - (ii) and the road has a maximum speed of between 80 kms per hour and 90 kms per hour— the advertising device must not be displayed within 375m of another billboard/hoarding sign or pylon sign if the other advertising device is visible to a driver on the road at the same time;
  - (iii) and the road has a maximum speed of 70 kms per hour — the advertising device must not be displayed within 250m of another billboard/hoarding sign or pylon sign if the other advertising device is visible to a driver on the road at the same time;
  - (iv) and the road has a maximum speed of 60 kms per hour or less — the advertising device must not be displayed within 150m of another billboard/hoarding sign or pylon sign if the other advertising device is visible to a driver on the road at the same time;
  - (v) and the road has a maximum speed of 100 kms per hour or more — the advertising device must not be displayed within 250m of another billboard/hoarding sign or pylon sign if the other advertising device is not visible to a driver on the road at the same time;
  - (vi) and the road has a maximum speed of between 80 kms per hour and 90 kms per hour— the advertising device must not be displayed within 190m of another billboard/hoarding sign or pylon sign if the other advertising device is not visible to a driver on the road at the same time;
  - (vii) and the road has a maximum speed of 70 kms per hour — the advertising device must not be displayed within 125m of another billboard/hoarding sign or pylon sign if the other advertising device is not visible to a driver on the road at the same time;
  - (viii) and the road has a maximum speed of 60 kms per hour or less — the advertising device must not be displayed within 75m of another billboard/hoarding sign or pylon sign if the other

advertising device is not visible to a driver on the road at the same time.

**5. Conditions that must be imposed on an approval**

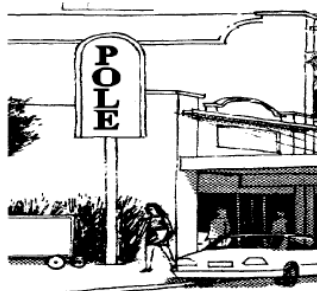
No conditions prescribed.

**6. Conditions that will ordinarily be imposed on an approval**

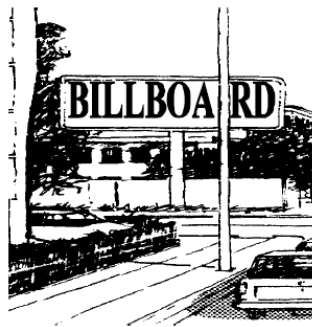
- (1) The conditions of an approval may—
  - (a) require compliance with specified safety requirements; and
  - (b) regulate the time within which the prescribed activity must be carried out; and
  - (c) specify standards with which the undertaking of the prescribed activity must comply; and
  - (d) 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 cover in an amount not less than \$20,000,000.00 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; and
    - (xii) supply to the local government, within a specified period—

- (A) a duly executed form 15 compliance certificate for building design or specification under the *Building Act 1975* certifying the structural integrity of the advertising device; and
  - (B) a duly executed form 16 inspection certificate/aspect certificate/QBCC licensee aspect certificate under the *Building Act 1975* certifying the structural integrity of the advertising device.
- (2) The conditions of an approval may require the approval holder to take specified measures to—
- (a) prevent harm to human health or safety of persons involved in, or affected by, the undertaking of the prescribed activity; and
  - (b) prevent loss of amenity or nuisance resulting from the undertaking of the prescribed activity; and
  - (c) ensure that the undertaking of the prescribed activity does not cause unsafe movement or obstruction of pedestrian or vehicular traffic.
- (3) The conditions of an approval for a pole sign may also require that —
- (a) the advertising device must not have a height in excess of 5m above ground level directly adjacent to the advertising device; and
  - (b) the advertising device must not face adjoining premises unless it is more than 1.5m from each boundary of the premises.
- (4) The conditions of an approval for a billboard/hoarding sign may also require that —
- (a) the advertising device must —
    - (i) not have a face area in excess of 45m<sup>2</sup>; 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; 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.
- (5) The conditions of an approval for a pylon sign may also require that—
- (a) where the advertising device has 2 faces, the advertising device must be constructed such that the angle between each face is not more than 45 degrees; and
  - (b) the advertising device must not have a face area in excess of 40m<sup>2</sup>; and
  - (c) the advertising device must not have a height in excess of 15m<sup>2</sup>; and
  - (d) only 1 double-sided advertising device is permitted on premises except where the street front boundary of the premises exceeds 100m; and
  - (e) if the street front boundary of the premises exceeds 100m, more than 1 double-sided advertising device is permitted, however, each advertising device must be not less than 100m apart; and
  - (f) the advertising device must not be located or constructed so as to expose an unsightly back view of the advertising device; and
  - (g) the advertising device must not face adjoining premises unless it is more than 1.5m from each boundary of the premises; and
  - (h) the advertising device must be installed without “guide wires” or exposed supporting framework.
- (6) In this section—
- (a) ***pole sign*** means an advertising device which—
    - (i) is free-standing on 1 or more vertical supports which has a face area not in excess of 2.4m<sup>2</sup> on any side; and
    - (ii) may have a face area consisting of separate slats, panels or components which are removable and replaceable;



- (b) **billboard/hoarding sign** means an advertising device which —
- (i) is free-standing; and
  - (ii) has a face area greater than 2.4m<sup>2</sup>; and
  - (iii) has a face area width greater than its face area height; and
  - (iv) is normally elevated from the ground and supported by 1 or more vertical columns, pylons or poles; and
  - (v) is an erected structure used primarily for the display of advertising matter;



- (c) **pylon sign** means an advertising device which—
- (i) is free-standing; and
  - (ii) has a face area greater than 2.4m<sup>2</sup>; and
  - (iii) has a face area height greater than its face area width; and
  - (iv) is normally elevated from the ground and supported by 1 or more vertical columns, pylons or poles; and
  - (v) may have a face area consisting of separate slats, panels or components which are removable and replaceable.



## 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**

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

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**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      **Above awning sign**



- (1) An *above awning sign* is an advertising device located on top of an awning or veranda of a building used for purposes other than residential purposes, with no part of the advertising device projecting —
  - (a) above the roof, parapet or ridge line of the building; or
  - (b) beyond the edge of the awning or veranda.
- (2) The criteria prescribed for an above awning sign are that the advertising device must—
  - (a) not have a face area in excess of 2.5m<sup>2</sup> or more than 2 faces; and
  - (b) where the advertising device has 2 faces — be constructed such that the angle between each face is not more than 45 degrees; and
  - (c) not have a height in excess of 1.5m above the awning on which the advertising device is displayed; and
  - (d) not be displayed less than 3m from another above 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) have a face area length greater than the face area height of the advertising device; and
  - (g) if the advertising device is illuminated, or has an electronic display component—
    - (i) comply with each of—
      - (A) the specific illumination criteria; and
      - (B) the specific display content criteria; and
    - (ii) not diminish the amenity of the locality in which the advertising device is displayed; and

- (h) not display third party advertising; and
- (i) be installed without “guide wires” or exposed supporting framework.

## 2 Awning fascia sign



- (1) An *awning fascia sign* is an advertising device painted or otherwise affixed flat to the face of an awning of a building used for a purpose other than a residential purpose.
- (2) The criteria prescribed for an awning fascia sign are—
  - (a) the building on which the advertising device is proposed to be displayed must have a constructed awning; and
  - (b) the advertising device must—
    - (i) be contained within the outline of the fascia of the building; and
    - (ii) not exceed 50mm in thickness; and
    - (iii) not display third party advertising; and
  - (c) the face area of the advertising device must not exceed 80% of the outline of the fascia of the building; and
  - (d) if the advertising device is illuminated, or has an electronic display component—the advertising device—
    - (i) must comply with each of—
      - (A) the specific illumination criteria; and
      - (B) the specific display content criteria; and
    - (ii) must not diminish the amenity of the locality in which the advertising device is displayed.

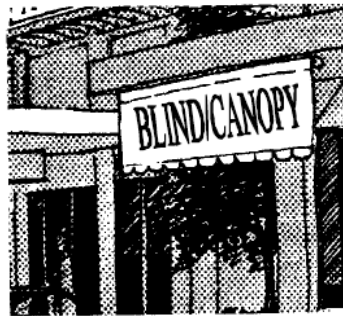
## 3 Banner sign



- (1) A *banner sign* —
  - (a) is a temporary 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 2.4m<sup>2</sup>; 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.

#### 4 Blind/canopy sign



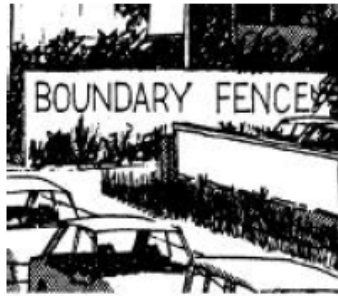
- (1) A **blind/canopy sign** is an advertising device painted or otherwise affixed to a solid or flexible material suspended from an awning, veranda or wall.
- (2) The criteria prescribed for a blind/canopy sign are—
- (a) the advertising device must not be displayed unless there is a minimum clearance of 2.2m between the lowest point of the advertising device and ground level directly adjacent to the advertising device; and
- (b) the advertising device must be contained within the premises advertised in the advertising device; and
- (c) the display of the advertising device on the blind or canopy must be ancillary to the use of the blind or canopy as a blind or canopy, as the case may be; and

*Example—*

The primary purpose of the blind or canopy must not be the display of the advertising device.

- (d) the face area of the advertising device must not exceed 50% of the face area of the blind or canopy, as the case may be; and
- (e) the advertising device must not be illuminated.

## 5 Boundary fence sign

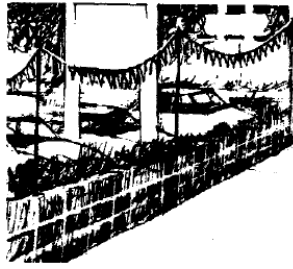


- (1) A **boundary fence sign** is an advertising device painted or otherwise affixed to a fence that has been designed to permanently delineate or identify a boundary alignment or enclosure.
- (2) The criteria prescribed for a boundary fence sign are—
  - (a) a maximum of one (1) boundary fence sign may be displayed on any premises; and
  - (b) the whole of the advertising device must be contained within the fence outline; and
  - (c) the advertising device must be located on the front property boundary of the premises; and
  - (d) the size and form of the advertising device must be in scale and proportion with the fence on which the advertising device is displayed; and
  - (e) if the advertising device is not painted on the fence, the advertising device must not project more than 30mm from the fence; and
  - (f) the advertising device must not be illuminated; and
  - (g) the advertising device must be secured so as to prevent danger to pedestrian and vehicular traffic in windy conditions.

## 6 Building name sign

- (1) A **building name sign** is an advertising device used to identify a building by reference to the name of the building or a particular logo associated with the building.
- (2) The criteria prescribed for a building name sign are—
  - (a) the advertising device must only identify the building to which it is attached; and
  - (b) the advertising device must be securely attached to the building and must be designed to complement the architecture or design of the building to which it is attached; and
  - (c) only 1 building name sign may be displayed on a building; and
  - (d) the advertising device must be illuminated in a manner which does not cause splashing or spilling of light from the face of the advertising device.

## 7 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.

## 8 Community organisation sign



- (1) A ***community organisation sign*** is a temporary advertising device which advertises a non-profit short term event such as a fete, fair, festival or similar event organised by a charitable, religious, educational, childcare or sporting organisation or a community service organisation.
- (2) If a community organisation sign takes the form of a banner, the same criteria are prescribed for the advertising device as are prescribed for a banner sign.
- (3) A community organisation sign must not be displayed for more than 21 days prior to the event advertised on the advertising device and must be removed within 1 day of the event.
- (4) A community organisation sign—
  - (a) must not have a face area greater than 4m<sup>2</sup>; and
  - (b) must not be displayed on a road.
- (5) If the community organisation sign is illuminated, or has an electronic display

component—the advertising device must comply with each of—

- (a) the specific illumination criteria; and
- (b) the specific display content criteria.

## 9 Created awning line sign



- (1) A **created awning line sign** is an advertising device positioned on the face of, or aligned with, the natural horizontal line of an awning of a building used for purposes other than residential purposes, which creates another awning line with its shape.
- (2) The criteria prescribed for a created awning line sign are that the advertising device must—
  - (a) maintain a clearance from any road related area directly adjacent to the advertising device of not less than 2.4m; and
  - (b) not extend more than 600mm above an existing awning; and
  - (c) not extend above the height of the building on which the advertising is displayed; and
  - (d) not cover more than 30% of the overall face area of the awning on which the advertising device is displayed; and
  - (e) if illuminated—not diminish the amenity of the locality; and
  - (f) be installed without “guide wires” or expose supporting framework.

## 10 Directional community organisation sign

- (1) A **directional community organisation sign** is a community organisation sign the primary purpose of which is to direct the public to the 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 0.6m<sup>2</sup>; 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<sup>2</sup> 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 of 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 \$20,000,000.00 against claims for personal injury and property damage resulting from the display of the advertising device.

## 11 Display home sign



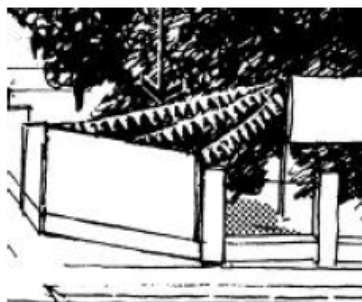
- (1) A *display home sign* is an advertising device which advertises a display home in conjunction with the sale, auction or leasing of a group of dwellings or building sites.
- (2) The criteria prescribed for a display home sign are that the advertising device must—
  - (a) not be displayed on any premises for a period in excess of 12 months; and
  - (b) not have a face area in excess of 2.4m<sup>2</sup>; and
  - (c) only be located on the premises of the display home advertised on the advertising device.

## 12 Election sign

The criteria prescribed for an election sign are that—

- (a) an election sign is only permissible on land that is not public land; and
- (b) an election sign may only be displayed during an election period; and
- (c) each election sign for an election must be removed within 7 days of the polling day for the election.

## 13 Estate sales sign



- (1) An **estate sales sign** is an advertising device displayed for the primary purpose of the promotion or sale of land within an industrial or residential estate or development.
- (2) The criteria prescribed for an estate sales sign are—
  - (a) if the advertising device is double sided — the advertising device must not have a face area in excess of 2.4m<sup>2</sup> on either side; and
  - (b) if the advertising device is single sided — the advertising device must not have a face area in excess of 2.4m<sup>2</sup>; and
  - (c) if the advertising device is displayed on premises in an area used for residential purposes — the premises must be vacant and in close proximity to the estate or development advertised on the advertising device; and
  - (d) the advertising device must not face adjoining premises unless it is more than 3m from each boundary of the premises; and
  - (e) the advertising device may only be displayed on premises for, whichever is the lesser of—
    - (i) 12 calendar months; and
    - (ii) 14 days after the last lot comprising part of the estate or development is sold.

#### 14 Garage sale sign



- (1) A **garage sale sign** is an advertising device of a temporary nature which—
  - (a) advertises a garage sale; and
  - (b) is displayed for directional purposes.
- (2) The criteria prescribed for a garage sale sign are—
  - (a) the advertising device may only be placed on rateable land other than a public place; and
  - (b) the advertising device must not have a face area in excess of 0.6m<sup>2</sup>; and
  - (c) the advertising device must be located in the vicinity of the garage sale; and
  - (d) the advertising device must be limited to a number reasonably necessary to identify the route to the garage sale; and
  - (e) the advertising device may only be displayed on the day of the garage sale; and
  - (f) the advertising device must not be located so as to cause a pedestrian or vehicular hazard.

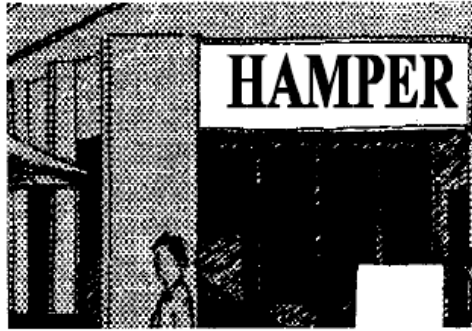


## 15 Ground sign



- (1) A **ground sign** is an advertising device that sits on a low level wall or completely clad vertically oriented free-standing structure which sits on or rises out of the ground.
- (2) The criteria prescribed for a ground sign are—
  - (a) the advertising device must not have a face area in excess of 10m<sup>2</sup>; and
  - (b) the advertising device must not have a height in excess of 2.4m above ground level directly adjacent to the advertising device; and
  - (c) the advertising device must be consistent with the design of the built environment where it will be displayed; and
  - (d) where the advertising device has 2 faces, the advertising device must be constructed such that the angle between each face is not more than 45 degrees; and
  - (e) the advertising device must not be displayed —
    - (i) less than 1.5m from a side, or the rear, boundary of the premises; or
    - (ii) less than 0.5m from the front boundary of the premises; and
  - (f) not more than 1 ground sign may be displayed on any premises; and
  - (g) if the advertising device is illuminated, or has an electronic display component — the advertising device must comply with each of —
    - (i) the specific illumination criteria; and
    - (ii) the specific display content criteria; and
  - (h) the advertising device must be erected within a landscaped environment; and
  - (i) the advertising device must be installed without “guide wires” or exposed supporting framework.

## 16 Hamper sign



- (1) A *hamper sign* is an advertising device which —
  - (a) is located above the door head or its equivalent height and below the awning level or veranda of a building; and
  - (b) is painted or otherwise affixed to the building; and
  - (c) projects not more than 30mm from the building face.
- (2) The criteria prescribed for a hamper sign are—
  - (a) the advertising device must be compatible with the design of the building on which it is displayed; and
  - (b) the advertising device must not exceed 30mm in thickness<sup>1</sup>; and
  - (c) the advertising device must be contained within the actual or created outline of the building on which it is to be displayed; and
  - (d) the advertising device—
    - (i) may be illuminated internally; but
    - (ii) must not be externally illuminated.

## 17 Home based business sign



- (1) A *home based business sign* is an advertising device that displays the name or services provided by the occupier of a lawfully established home based business premises which is—
  - (a) painted or otherwise affixed to a building, wall or fence at the premises; or
  - (b) free-standing on the premises.
- (2) The criteria prescribed for a home based business sign are—
  - (a) the face area of the advertising device must not exceed 0.3m<sup>2</sup>; and
  - (b) a maximum of 1 advertising device may be displayed on any premises.

<sup>1</sup> A hamper sign thicker than 30mm may satisfy the criteria for a wall sign.

## 18 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).

## 19 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 2.5m<sup>2</sup> 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 shall be placed within 1.8m of the street front boundary, or 1.8m from the building line, or within the 1.8m pedestrian zone; 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 \$20,000,000.00 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 windy conditions; and
    - (iv) removed when business not operating; and
  - (f) the number of face areas of the advertising device must not exceed 2; and
  - (g) the advertising device must not be illuminated.

## 20 Motor vehicle sign

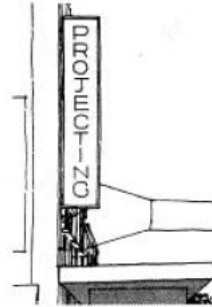
- (1) A *motor vehicle sign*<sup>2</sup> is an advertising device (including a variable message sign) affixed to, placed upon, or beside, a vehicle, caravan or trailer apparently stopped on rateable land for the primary purpose of displaying the advertising device.
- (2) The criteria prescribed for a motor vehicle sign are that the advertising device must—
  - (a) not have a face area in excess of 6m<sup>2</sup>; 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) if the advertising device is illuminated, or has an electronic display component — comply with each of—

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<sup>2</sup> 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*.

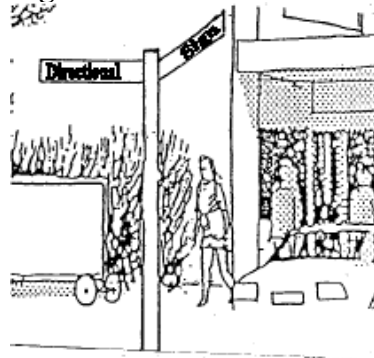
- (i) the specific illumination criteria; and
- (ii) the specific display content criteria.

## 21 Projecting sign



- (1) A **projecting sign** is an advertising device which—
  - (a) is displayed on the wall of a building; and
  - (b) projects at right angles to the building more than 1.5m from the wall on which it is displayed; and
  - (c) does not project higher than the height of the building to which it is attached.
- (2) The criteria prescribed for a projecting sign are—
  - (a) the front elevation of the advertising device must not project beyond the outline of the wall to which it is attached; and
  - (b) the advertising device may only be placed on premises to promote or advertise an activity undertaken on the premises; and
  - (c) the advertising device must be positioned and designed in a manner which is compatible with the architecture of the building to which it is attached; and
  - (d) the advertising device must be situated so as to maintain a clearance of 2.4m from any road related area directly adjacent to the advertising device; and
  - (e) the advertising device must be installed without “guide wires” or exposed supporting framework.

## 22 Public facility directional sign



- (1) A **public facility directional sign** is an advertising device erected by and for the purposes of a community service organisation.
- (2) The criteria prescribed for a public facility directional sign are that the advertising

device—

- (a) may inform motorists of services on a road ahead or on a side road; and
- (b) must not create visual pollution; and
- (c) in the case of an advertising device at a primary or secondary school — must advertise a school facility used by large numbers of people who are not students or staff at the school; and
- (d) in the case of an advertising device for a tourist attraction or tourism establishment — must advertise an attraction or establishment which is located on a side road or would be sought by large numbers of people who are not familiar with the area; and
- (e) in the case of an advertising device for a service (for example, a rest area, toilet or fire place) — must be in advance of the service so as to inform motorists of the service available to road users adjacent to the road or along a side road.<sup>3</sup>
- (f) if the advertising device is an official traffic sign—must be displayed in compliance with the requirements of the Manual of Uniform Traffic Control Devices<sup>4</sup>; and
- (g) must have white symbols and legend (where appropriate) on a blue background and may be fully reflectorised for use at night; and
- (h) must incorporate lettering not less than 120mm high; and
- (i) must be displayed so as not to obscure other public facility directional signs; and
- (j) must not obscure the visibility of approaching pedestrian or vehicular traffic, particularly at intersections; and
- (k) if the advertising device is intended to convey information during periods of darkness—must be either illuminated or constructed from reflective material so that the advertising device displays the same colours and shape by both day and night; and
- (l) a maximum of 4 signs (including any street name sign) should be erected on 1 post.

## 23 Real estate sign



<sup>3</sup> Public facility directional signs are not intended for use for facilities of a commercial nature which can be seen well in advance by motorists.

<sup>4</sup> See section 166 of the *Transport Operations (Road Use Management) Act 1995*.

- (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 must not have a face area in excess of 2.4m<sup>2</sup>; and
  - (c) 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
  - (d) 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
  - (e) the advertising device must be kept erect and maintained in a good state of repair at all times; and
  - (f) 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 2.4m<sup>2</sup>; 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.

## 24 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<sup>2</sup>; 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 \$20,000,000.00 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.

## 25 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 1.2m<sup>2</sup>, 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.

## 26 Sign written non-building structure sign



- (1) A *sign written non-building structure sign* is an advertising device painted or affixed to any structure which is not a building.

*Example —*

A structure which is not a building includes a batching plant, conveyor housing, unroofed storage building or liquid or gas tank.

- (2) The criteria prescribed for a sign written non-building structure sign are—
  - (a) the advertising device must be contained within the height and width of the structure on which it is displayed; and
  - (b) the advertising device must not project in excess of 50mm from the face of the structure<sup>5</sup>.

## 27 Sign written roof sign

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<sup>5</sup> If the advertising device is thicker than 50mm, the advertising device may satisfy the criteria for a wall sign.  
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- (1) A *sign written roof sign* is an advertising device which is painted or otherwise affixed to the roof of a building and directed at, or visible from, a road.
- (2) The criteria prescribed for a sign written roof 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) the advertising device must be of a size and scale which is consistent with the scale and character of the building on which it is displayed and, in any event, must not cover more than 25% of the roof of the building on which it is displayed; and
  - (c) the advertising device must not extend horizontally beyond the edge of the building roof; and
  - (d) the advertising device must be compatible with other sign written roof signs (if any) displayed on the building; and
  - (e) the advertising device must not be visible from any building used for residential purposes located adjacent to the building on which it is displayed; and
  - (f) the advertising device must not be illuminated.

## 28 Site community organisation sign

- (1) A *site community organisation sign* is a community organisation sign which is displayed at the site of a fete, fair, festival or other similar event for the primary purpose of advertising the fete, fair, festival or other similar event.
- (2) A site community organisation sign must not be displayed longer than 30 days prior to the event advertised on the advertising device and must be removed within 1 day of the event.

## 29 Social and welfare sign



- (1) A **social and welfare sign** is an advertising device which identifies a charitable institution, non proprietary club, educational establishment, incorporated association or the like.
- (2) This section specifies the criteria for a social and welfare sign.
- (3) If the content or information on an advertising device is such that the advertising device is classified as a social and welfare sign but the design, location or structure of the advertising device is such that the advertising device may be classified within another category of advertising device in this part (the **other category**), the advertising device must comply with the criteria (if any) prescribed for the other category.

*Example—*

If the location and structure of a social and welfare sign are such that the advertising device may also be classified as a wall sign, the advertising device must comply with the criteria prescribed for a wall sign.

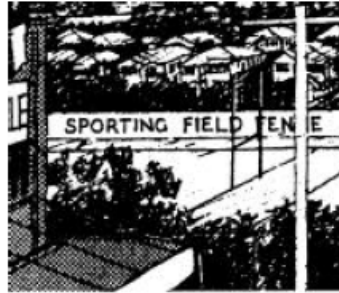
- (4) A social and welfare sign must not have a face area in excess of 2.4m<sup>2</sup>.
- (5) A maximum of 1 social and welfare sign may be displayed on any premises.
- (6) However, 2 social and welfare signs may be displayed on premises if the premises have a street front boundary in excess of 100m.

### 30 Sporting complex sign



- (1) A **sporting complex sign** is an advertising device which is located in close proximity to and identifies a sporting complex, club or building.
- (2) The criteria prescribed for a sporting complex sign are—
  - (a) the advertising device must not have a face area in excess of 12m<sup>2</sup>; and
  - (b) if requested by an authorised person, the advertiser must produce an engineer's certification for any structure dedicated for the support of the advertising device; and
  - (c) if the advertising device includes third party advertising, only 25% of the face area of the advertising device may display third party advertising.

### 31 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) the advertising device must acknowledge sponsors associated with the club which has the right to occupy the sporting field on which it is displayed; 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) the advertising device must be contained within the boundaries of the fence on which it is to be displayed; 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.

### 32 Stall board sign



- (1) A *stall board sign* is an advertising device painted or otherwise affixed flat to the wall of a building used for purposes other than residential purposes below a ground floor window of the building.
- (2) The criteria prescribed for a stall board sign are—
  - (a) the face area of the advertising device must be limited to the stall board area below a ground floor window of the building on which it is displayed; and
  - (b) the advertising device must not protrude so as to cause injury to pedestrians; and

- (c) the advertising device must not exceed a thickness of 30mm, and the corners of the advertising device must be arched; and
- (d) the advertising device—
  - (i) may be illuminated internally; but
  - (ii) must not be externally illuminated.

### 33 Statutory sign



- (1) A **statutory sign** is an advertising device exhibited pursuant to the authority or requirements of an Act.
- (2) The criterion prescribed for a statutory sign is that the advertising device must be exhibited in accordance with the requirements of the Act which requires the exhibition of the advertising device.

*Examples—*

The *Workplace Health and Safety Act 1995* requires the exhibition of signs regarding safety.

The *Sustainable Planning Act 2009* requires the exhibition of signs regarding town planning issues.

### 34 Trade works sign



- (1) A **trade works sign** is a temporary advertising device that advertises trade work or construction work that is being carried out on the premises, for example, the activities of a painter or a tiler.
- (2) The criteria prescribed for a trade works sign are—
  - (a) a maximum of 1 trade works sign per trade may be displayed on any premises; and
  - (b) the face area of the advertising device must not exceed 0.6m<sup>2</sup>.

### 35 Under awning sign



- (1) An *under awning sign* is an advertising device affixed underneath, or suspended from, an awning or veranda used for a purpose other than a residential purpose.
- (2) The criteria prescribed for an under awning sign are that the advertising device 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 veranda to which it is affixed; and
  - (g) if the advertising device is illuminated, or has an electronic display component—comply with each of—
    - (i) the specific illumination criteria; and
    - (ii) the specific display content criteria; and
  - (h) not display third party advertising.

### 36 Vertical banner sign

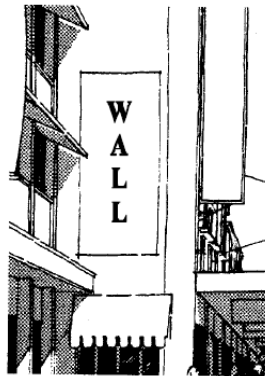


- (1) A *vertical banner sign* is an advertising device of a non-rigid material normally supported at 2 or more locations from brackets extending from either a pole or a

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<sup>2</sup>; 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) be erected and contained within the 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.

### 37 Wall sign



- (1) A **wall sign** is an advertising device painted or otherwise affixed flat to the wall of a building that does not protrude from the wall more than 100mm.
- (2) The criteria prescribed for a wall sign are—
- (a) the advertising device must only be displayed on the wall of a building; and
  - (b) the advertising device must not project in excess of 100mm from the wall to which it is affixed; and
  - (c) the advertising device must not project beyond any edge of the wall unless this improves the appearance of the building or the premises on which it is painted or affixed<sup>6</sup>; and
  - (d) the advertising device must integrate, and be compatible, with the architecture of the building on which it is painted or affixed; and
  - (e) the dimensions of the advertising device must bear a reasonable relationship

<sup>6</sup> If the advertising device extends above the top of a wall, the advertising device may satisfy the criteria for a roof/sky sign.

- to the size of the wall on which it is painted or affixed; and
- (f) the advertising device must be consistent, in colour and appearance, with buildings and natural features of the environment in which it is situated; and
- (g) the advertising device—
  - (i) may be illuminated internally; but
  - (ii) must not be externally illuminated; and
- (h) if the advertising device is illuminated, or has an electronic display component—the advertising device —
  - (i) must comply with each of—
    - (A) the specific illumination criteria; and
    - (B) the specific display content criteria; and
  - (ii) must not diminish the amenity of the locality in which the advertising device is displayed; and
- (i) the advertising device must be installed without “guide wires” or exposed supporting framework; and
- (j) the face area of the advertising device must not cover more than 75% of the area of the wall on which it is painted or affixed.

### 38 Window sign



- (1) A *window sign* —
  - (a) is an advertising device painted (illuminated or non-illuminated) or otherwise affixed to the glazed area of a window; and
  - (b) includes devices that are suspended from a window frame; but
  - (c) does not include products displayed in a window.
- (2) The criteria prescribed for a window sign are—
  - (a) the advertising device must be situated inside the window on which it is displayed except in the case of a window sign painted directly on the outside face of the window; and
  - (b) the advertising device—
    - (i) may be internally illuminated; but
    - (ii) must not be externally illuminated; and
  - (c) if the advertising device is illuminated, or has an electronic display component—the advertising device—
    - (i) must comply with each of—



- (A) the specific illumination criteria; and
- (B) the specific display content criteria; and
- (ii) must not diminish the amenity of the locality in which the advertising device is displayed.

## **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. If the activity advertised on the advertising device is a business activity undertaken on premises — the business 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 advertising device must not cause damage to public infrastructure.
8. The advertising device must be consistent with applicable environmental standards.
9. An illuminated advertising device must not be positioned so as to create glare or a nuisance to pedestrian or vehicular traffic.
10. 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.
11. 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.
12. 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.
13. 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.
14. The advertising device must be harmonious with the architectural style and character of the location<sup>7</sup>

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<sup>7</sup> Where particular areas have unique or special characteristics which may affect advertising device requirements, separate guidelines or variations may be applied.

15. The advertising device must blend with landscaping and street features of the location.<sup>8</sup>
16. 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.
17. 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.
18. 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.
19. 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.
20. Decorative lines, stripes and architectural trims of an advertising device, whether illuminated or not, form part of the face area of the advertising device.
21. 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.
- 22.
- (a) This section specifies the *specific illumination criteria* for an advertising device.
  - (b) This section applies to an advertising device if the advertising device —
    - (i) is illuminated by—
      - (A) external illumination, for example, illumination directed at the advertising device; or
      - (B) internal illumination; or
    - (ii) includes an electronic display component.
  - (c) The maximum average luminance of external illumination or internal illumination of the advertising device must accord with the requirements of Table 1.

Table 1

Advertising device size (m <sup>2</sup> )	Maximum average luminance (by location)		
	CBD	Industrial, commercial, entertainment and community centres	Rural and residential
All	500cd/m <sup>2</sup>	350cd/m <sup>2</sup>	300cd/m <sup>2</sup>

<sup>8</sup> Where additional treatment may enhance the compatibility of an advertising device, such treatment may be required.

- (d) EDC devices must have maximum luminance during varying light conditions as follows—
  - (A) during the daytime — 6000cd/m<sup>2</sup>;
  - (B) at dawn and dusk — 600cd/m<sup>2</sup>;
  - (C) at night — 300cd/m<sup>2</sup>; and
- (e) be operated in compliance with Australia Standard 4282 — Control of Obtrusive Effects of Outdoor Lighting.
- (f) At the commencement of use of the EDC component of the advertising device, the advertiser for the advertising device must submit to the local government a written report which —
  - (i) shows the maximum luminance (nits) vs brightness/dimming settings for the advertising device; and
  - (ii) can be used to check the maximum luminance for daytime, dawn/dusk and night time are being complied with by comparing the brightness/dimming settings during the operational period.
- (g) Within 5 business days of receipt of a written request from the local government, the advertiser for the advertising device must deliver to the local government an operational compliance record for the advertising device that includes—
  - (i) the brightness/dimming setting applied in 10 minute intervals; and
  - (ii) any changes in the device's luminance level since the factory report for the advertising device; and
  - (iii) all record information time and date stamped to show the time of measurement.
- (h) A site lighting impact assessment report using a luminance meter will only be required if all other resources have been used and there is still a complaint about the luminance of the advertising device.
- (i) Compliance records must be maintained for a minimum of 3 months.
- (j) Within 20 business days of receipt of a written request from the local government, the advertiser for the advertising device must deliver to the local government a lighting impact assessment report (but limited to a desktop study) which demonstrates compliance with the requirements of this section.

### 23.

- (a) This section specifies the *specific display content criteria* for the EDC of an advertising device.
- (b) An advertising device (including announcements and messages) which displays, or includes, an EDC must—
  - (i) remain static at all times and not display any movement or flashing; and

- (ii) be legible and easily read by the intended audience; and
- (iii) minimise the amount of information displayed on the EDC to ensure that the time required to read and understand the message on the EDC is minimised; and
- (iv) not display sequential message sets; and
- (v) only contain a single message display; and
- (vi) not be split to display multiple advertisements on the 1 EDC; and
- (vii) not imitate or emulate a traffic control device, for example, an official traffic sign, regulatory, warning or advisory traffic control sign; and
- (viii) not instruct a driver to perform an action such as “stop”, “halt” or “give way” whether through using text or symbols reasonably known to have such a meaning; and
- (ix) not invite traffic to move contrary to any traffic control device or official traffic sign, or turn where there is fast moving traffic; and
- (x) not create a traffic hazard; and
- (xi) not contain a message that is a distraction or otherwise inconsistent with road safety; and
- (xii) not be easily mistaken for a traffic control device or the stop or tail lights of a moving vehicle by containing large areas of illuminated red or green display; and
- (xiii) always display default to a blank (black) screen in the event of a malfunction or failure of either the EDC of the advertising device or related hardware or software of the advertising device; and
- (xiv) incorporate the use of sensors to measure ambient brightness and dimmers or timers to control the lighting output; and
- (xv) not change brightness level except during the transition time for an advertisement displayed on the advertising device; and
- (xvi) not contain inappropriate images or text; and
- (xvii) not change the advertising screen on the advertising device more often than once every 0.5 seconds; and
- (xviii) not be installed on premises unless the advertising device has been processed through a 100 hour burn in time; and
- (xix) have a dwell time for advertisements on the advertising device as follows—
  - (A) if the advertising device is visible from a road with a speed limit of 80 km per hour or more — 25 seconds or longer;
  - (B) if the advertising device is visible from a road with a speed limit of less than 80 km per hour— 10 seconds or longer; and
  - (C) if the advertising device is a VMS advertising device which is visible from a road with a speed limit of more than 80 km per hour — 25 seconds or longer; and
  - (D) if the advertising device is a VMS advertising device which is visible from a road with a speed limit of 80 km per hour or less



## Schedule 6            Dictionary

### Section 4

**above awning sign** see schedule 3, section 1.

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

**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.

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

**authorised person** see the Act, schedule 4.

**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.

**awning fascia sign** see schedule 3, section 2.

**banner sign** see schedule 3, section 3.

**billboard/hoarding sign** see schedule 1, section 2(6)(b).

**blind/canopy sign** see schedule 3, section 4.

**boundary fence sign** see schedule 3, section 5. **building** has the meaning given in the *Building Act 1975*.

**building name sign** see schedule 3, section 6.

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

**bunting sign** see schedule 3, section 7.

**canopy** —

- (a) means a frame consisting of 1 or more columns supporting a roof which has no walls which may be free-standing or attached to a building; and

- (b) includes a covered walkway, the roof like structure over the driveway of a service station, as well as a tensioned tent like roof designed to provide protection from the weather.

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

**community organisation sign** see schedule 3, section 8.

**community service organisation** means an incorporated association which is incorporated under the *Associations Incorporation Act 1981*.

**created awning line sign** see schedule 3, section 9.

**development**, for schedule 1, section 2, see *Planning Act 2016*, schedule 2.

**digital display** see electronic display component (EDC).

**directional community organisation sign** see schedule 3, section 10.

**display home sign** see schedule 3, section 11.

**EDC** see electronic display component.

**election period** for an election means the period—

- (a) beginning on the day after the writ for the election is issued; and
- (b) ending at 6p.m. on the polling day for the election.

**election sign** has the meaning as provided in Section 185B of the Electoral Act 1992, being;

- (1) An *election sign* is a sign, including a continuous sign, that –
  - (a) contains anything that could –
    - (i) influence an elector in relation to voting at an election; or
    - (ii) otherwise affect the result of an election; or
  - (b) is the colour or colours that are ordinarily associated with a registered political party; or
  - (c) is prescribed by regulation to be an election sign.

**electronic display component**—

- (a) means part or the whole of an advertising device which utilises an image projector, bulbs, LEDs, LCD or similar devices to present the content of the advertising device; and
- (b) is otherwise referred to as a digital display.

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

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

**estate sales sign** see schedule 3, section 13.

**face area** see schedule 4, sections 17 to 21 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 community organisation sign; and
  - (iii) a display home sign; and
  - (iv) a garage sale sign; and
  - (v) a pole sign; and
  - (vii) a pylon sign; and
  - (viii) a real estate sign; and
  - (ix) a roadside directional sign; and
  - (x) a social and welfare sign; and
  - (xi) a sporting complex sign; and
  - (xiii) a trade works sign; and
  - (xiv) an estate sales sign.

**garage sale sign** see schedule 3, section 14.

**ground sign** see schedule 3, section 15.

**hamper sign** see schedule 3, section 16.

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

**home based business sign** see schedule 3, section 17.

**illuminated**, for an advertising device—

- (a) 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; but
- (b) does not include an advertising device which has, as a means of illumination, reflective lettering or strips.

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

**inflatable sign** see schedule 3, section 18.

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

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

**local government** means Mackay Regional Council.

**mobile sign** see schedule 3, section 19.

**motor vehicle sign** see schedule 3, section 20.

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

**moving screen image**—

- (a) means the electronic display content of an advertising device which is

capable of displaying animated images similar to a television or movie; but

- (b) does not include a static image.

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

**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.

**other category** see schedule 3, section 29(3).

**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**—

- (a) see schedule 1, section 2(2);
- (b) means an advertising device which—
  - (i) is visible from a road or other public place; and
  - (ii) is defined in schedule 3; and
  - (iii) is installed, erected and displayed in accordance with the prescribed criteria in schedule 3; and
  - (iv) is installed, erected and displayed in accordance with the general criteria specified in schedule 4; and
  - (v) may be installed, erected and displayed without a current approval granted by the local government.

**pole sign** see schedule 1, section 2(6)(a).

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

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

**projecting sign** see schedule 3, section 21.

**public facility directional sign** see schedule 3, section 22.

**public place** has the meaning given in the Act.

**pylon sign** see schedule 1, section 2(6)(c).

**rateable land** has the meaning given in the Act.

**real estate sign** see schedule 3, section 23.

**road** has the meaning given in the Act.

**roadside directional sign** see schedule 3, section 24.

**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 25.

**scrolling** means the continuous movement of any part of an advertising device

(image or text) across the display face in any direction.

**sign** see advertising device.

**sign written non-building structure sign** see schedule 3, section 26.

**sign written roof sign** see schedule 3, section 27.

**site community organisation sign** see schedule 3, section 28.

**social and welfare sign** see schedule 3, section 29.

**specific display content criteria** see schedule 4, section 23.

**specific illumination criteria** see schedule 4, section 22.

**sporting complex sign** see schedule 3, section 30.

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

**sporting field fence sign** see schedule 3, section 31.

**stall board sign** see schedule 3, section 32.

**static image** means any illuminated advertising device where the illumination of the entire advertising device is constant in form, intensity and colour, for example, the illumination of the advertising device does not move or change, other than an instantaneous display change.

**statutory sign** see schedule 3, section 33.

**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.

**trade works sign** see schedule 3, section 34.

**traffic control device** has the meaning given in the *Transport Operations (Road Use Management – Road Rules) Regulation 2009*.

**under awning sign** see schedule 3, section 35.

**variable message sign (VMS)** —

- (a) means an advertising device which displays electronically generated messages that can be changed to display redefined or free text information, figures and symbols; and
- (b) generally, a variable message sign is small (a face area of less than 4m<sup>2</sup>) and portable (trailer mounted) or incorporated into a large static device; and
- (c) if a variable message sign comprises a full screen display, the entire display is a variable message sign; and
- (d) if a variable message sign comprises VMS panels with static advertising, the VMS advertising device is part of a larger advertising display.

**vehicle** has the meaning given in the local law.

**vertical banner sign** see schedule 3, section 36.

**wall sign** see schedule 3, section 37.

**window sign** see schedule 3, section 38.

## Endnotes

### 1 Key

Key to abbreviations in list of amending local laws and annotations

<b>Key</b>	<b>Explanation</b>	<b>Key</b>	<b>Explanation</b>
amd	= amended	prec	= preceding
amdt	= amendment	prev	= previous
ch	= chapter	prov	= provision
def	= definition	pt	= part
div	= division	renum	= renumbered
hdg	= heading	rep	= repealed
ins	= inserted	s	= section
num	= numbered	sch	= schedule
om	= omitted	sdiv	= subdivision
p	= page	sub	= substituted
para	= paragraph	unnum	= Unnumbered

### 2 Table of consolidated versions

Consolidated Version No.	Amendments included	Effective	Notes
1	<i>Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2021</i>	March 2021	

### 3 List of amending local laws

*Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2021*

Commenced on March 2021

## 4 List of annotations

### Sch 3 Definitions and prescribed criteria for installation, erection and display of advertising advices

Item 5 s (2)(a)-(g)	om, ins	2021 No. 2 s 6(1)
Item 13 s (2)(a)	om, ins	2021 No. 2 s 6(2)
Item 13 s (2)(b)	om, ins	2021 No. 2 s 6(3)
Item 13 s (2)	om, ins	2021 No. 2 s 6(4)
Item 19 s (2)(d)(i)	om, ins	2021 No. 2 s 6(5)
Item 19 s (2)(e)	ins	2021 No. 2 s 6(6)
Item 23 s (2)(b) & (e)	ins	2021 No. 2 s 6(7)
Item 23 s (2)(c)	om, ins	2021 No. 2 s 6(8)
Item 23 s (2)(c), (d),(f),(g) & (h)	renum	2021 No. 2 s6(9)
Item 23 s (3)(a)(ii)	om, ins	2021 No. 2 s6(10)
Item 38 s (2)(b)	om	2021 No. 2 s6(11)
Item 38 s (2)(c) to (d)	renum	2021 No. 2 s6(12)

### Sch 6 Dictionary

om	2021 No. 2 s7(1)
ins	2021 No. 2 s7(2)