

SOUTH BURNETT REGIONAL COUNCIL

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

Contents

Part 1	Preliminary	1
	1 Short title	1
	2 Purpose and how it is to be achieved	1
	3 Authorising local law	1
	4 Definitions.....	1
Part 2	Approval for prescribed activity	1
	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
	6 Approvals that are non-transferable—Authorising local law, s 15(2).....	2
Part 3	Application to State-controlled roads.....	2
	7 State-controlled roads to which the local law applies—Authorising local law, schedule 1	2
Schedule 1	Installation of advertising devices	3
Schedule 2	Categories of approval that are non-transferable	7
Schedule 3	Definitions and prescribed criteria for installation, erection and display of advertising devices	8
	1 Banner sign	8
	2 Boundary fence sign	8
	3 Bunting sign	9
	4 Building name sign.....	10
	5 Community organisation sign.....	10
	6 Site community organisation sign	11
	7 Directional community organisation sign	11
	8 Garage sale sign	11
	9 Mobile sign	12
	10 Real estate sign	13
	11 Sign written non-building structure sign	14
	12 Stall board sign	15
	13 Statutory sign	15
	14 Trade sign	16
	15 Vertical banner sign	16
	16 Display home sign.....	17
	17 Estate sales sign	17
	18 Ground sign.....	18



19	Inflatable sign	18
20	Public facility directional sign	19
21	Sporting complex sign	20
22	Roadside directional sign	21
23	Social and welfare sign	22
24	Sporting field fence sign.....	22
25	Motor vehicle sign	23
26	Election sign	23
Schedule 4	General criteria for installation, erection and display of advertising devices	25
Schedule 5	State-controlled roads to which the local law applies	28
Schedule 6	Dictionary	29



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) under the planning scheme of the local government, the prescribed activity is identified as—

(i) self assessable development; or

(ii) code assessable development; or

(iii) impact assessable development; or

(b) 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

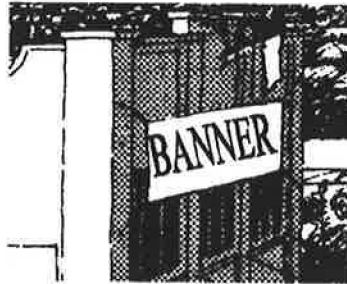
Every approval for the prescribed activity named in schedule 1, section 1 is non-transferable.

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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



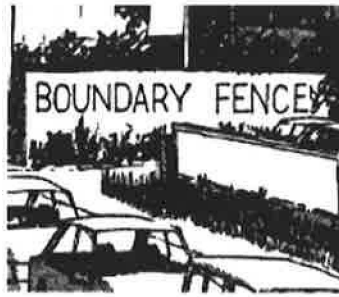
(1) A **banner sign** —

- (a) is a temporary 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—

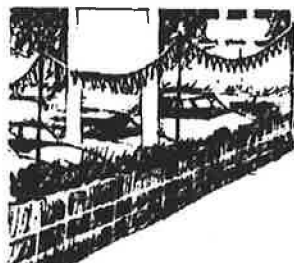
- (a) the advertising device must only be displayed for short term promotional purposes; and
- (b) the advertising device must not have a face area in excess of 2.4m²; and
- (c) the advertising device may only be displayed for 30 days or less within any 90 day period prior to the function or occasion 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; and
- (g) the advertising device must be removed within 7 days of completion of the function or occasion advertised on the advertising device.

2 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) the whole of the advertising device must be contained within the fence outline; and
 - (b) if the advertising device is on premises adjacent to any kind of residential dwelling, the advertising device must be located on the front property boundary of the premises; and
 - (c) the size and form of the advertising device must be in scale and proportion with —
 - (i) the fence on which the advertising device is displayed; and
 - (ii) adjacent buildings and structures; and
 - (d) where a boundary fence sign is to be displayed on a fence on which boundary fence signs are already displayed, the new advertising device must be uniform in design and positioning to the other advertising devices displayed on the fence unless the new advertising device will significantly enhance the appearance of the fence and the existing signage; 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) if the advertising device is painted on the fence—the advertising device must not be illuminated; and
 - (g) if the advertising device is not painted on the fence—
 - (i) the advertising device may be illuminated in a manner which does not cause splashing or spilling of light from the face of the advertising device; and
 - (ii) internal illumination of the advertising device is preferred.

3 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.

4 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.

5 Community organisation sign



- (1) A **community organisation sign** is a temporary, non-illuminated 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 14 days prior to the event advertised on the advertising device and must be removed within 1 day of the event.

6**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.

7**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^2 ; 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 of the event; and
 - (d) the siting of the advertising device must not cause a pedestrian or vehicular hazard; and
 - (e) subject to schedule 4, section 27, 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.

8 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^2 ; 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.

9 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 1m^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—
 - (i) the premises of the shop or business it is advertising or promoting; or
 - (ii) the local government controlled area or road abutting the premises provided —
 - (A) no part of the advertising device protrudes more than 1m from the street front boundary of the premises; or

- (B) if the advertising device is otherwise placed on the footpath abutting the street front boundary of the premises—the advertising device encroaches onto the footpath not more than 1m from the curb or roadway edge of the footpath; and
- (e) the advertising device must not create a hazard to pedestrian or vehicular traffic; and
- (f) subject to schedule 4, section 27, the advertiser must take out and maintain public liability insurance cover in an amount not less than \$10,000,000.00 against claims for personal injury and property damage resulting from the display of the advertising device; and
- (g) 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
- (h) the number of face areas of the advertising device must not exceed 2; and
- (i) the advertising device must not be illuminated.

10 Real estate sign



- (1) A **real estate sign** is a temporary, non-illuminated advertising device which promotes the sale, auction, lease or letting of premises.
- (2) The criteria prescribed for a real estate sign (other than a directional real estate sign) are—
 - (a) the advertising device must not—
 - (i) interfere with the safe and convenient passage of pedestrians; or
 - (ii) detract from the amenity of the area in which it is situated or unreasonably obstruct existing views; and
 - (b) the advertising device may be double sided; and
 - (c) the advertising device must not have a face area in excess of 0.6m²; and
 - (d) the number of real estate signs displayed at premises must not exceed 1 sign for each agent marketing the premises up to a maximum of 3 signs; and
 - (e) as an alternative to paragraphs (b) to (d) inclusive, an advertiser may display 1 sign having a maximum face area of 2.4m² at the premises; and

- (f) the advertising device must not be displayed for—
 - (i) more than 14 days after the sale of the premises identified in the advertising device; or
 - (ii) more than 6 months in any 12 month period; and
 - (g) the advertising device must be kept erect and maintained in a good state of repair at all times; and
 - (h) if a high fence, foliage or the like obscures the advertising device, it must be located as close as practicable to the street front boundary of the premises.
- (3) The criteria prescribed for a directional real estate sign are—
- (a) if the advertising device is displayed on land which is not a public place—
 - (i) a maximum of 3 advertising devices may be displayed; and
 - (ii) the face area of each advertising device must not exceed 0.6m²; and
 - (iii) the advertising device—
 - (A) must only be displayed on the day on which the premises offered for sale are open for public inspection or offered for sale by auction; and
 - (B) must be located in close proximity to the premises; and
 - (b) the advertising device must not be displayed on a road except subject to approval of an authorised person.

11 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.

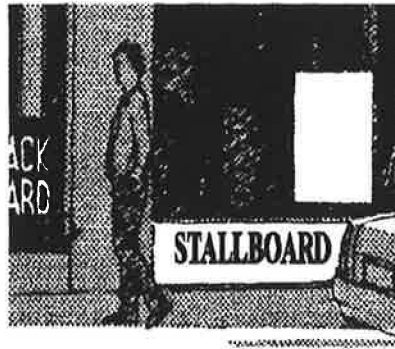
Example —

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 structure¹.

¹ If the advertising device is thicker than 50mm, the advertising device may satisfy the criteria for a wall sign.

12 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 arrised; and
 - (d) the advertising device—
 - (i) may be illuminated internally; but
 - (ii) must not be externally illuminated.

13 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.

14 Trade sign



- (1) A **trade sign** is a temporary advertising device which displays a trade person's activity on premises, for example, the activities of a painter or a tiler.
- (2) The criteria prescribed for a trade sign are—
 - (a) a maximum of 1 trade sign may be displayed on any premises; and
 - (b) the face area of the advertising device must not exceed 0.6m^2 .

15 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

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- (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.

16 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^2 ; and
 - (c) only be located on the premises of the display home advertised on the advertising device.

17 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 6m^2 on either side; and
 - (b) if the advertising device is single sided — the advertising device must not have a face area in excess of 12m^2 ; 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

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- 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.

18 Ground sign



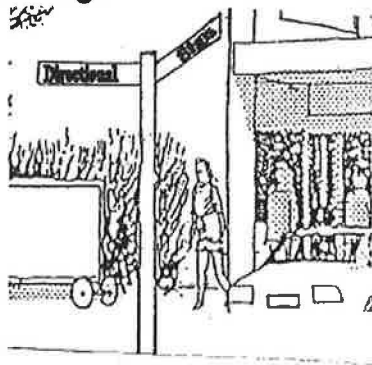
- (1) A **ground sign** is an advertising device that sits on a low level wall or completely clad vertically oriented free-standing structure which sits on or rises out of the ground.
- (2) The criteria prescribed for a ground sign are—
- (a) the advertising device must not have a face area in excess of 10m²; 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
 - (b) the advertising device must be consistent with the design of the built environment where it will be displayed; and
 - (c) 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
 - (d) the advertising device must not be displayed less than 3m from each side boundary of the premises on which it is displayed; and
 - (e) not more than 1 ground sign may be displayed on any premises; and
 - (f) if the ground sign is illuminated— illumination of the advertising device must not cause splashing or spilling of light from the face of the advertising device and internal illumination of the advertising device is preferred; and
 - (h) the advertising device must be erected within a landscaped environment; and
 - (i) the advertising device must not face adjoining premises unless it is more than 3m from each boundary of the premises; and
 - (j) the advertising device must be installed without “guide wires” or exposed supporting framework.

19 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) subject to schedule 4, section 27, the advertiser must take out and maintain public liability insurance cover in an amount not less than \$10,000,000.00 against claims for personal injury and property damage resulting from the display of the advertising device; and
 - (e) the advertiser must produce to the local government on request evidence of the existence of the insurance specified in paragraph (d).

20 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.²
- (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 Devices³; 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.

21 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—

² Public facility directional signs are not intended for use for facilities of a commercial nature which can be seen well in advance by motorists.

³ See section 166 of the *Transport Operations (Road Use Management) Act 1995*.

- (a) the advertising device must not have a face area in excess of 12m^2 ; 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.

22 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) subject to schedule 4, section 27, 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.

23 Social and welfare sign



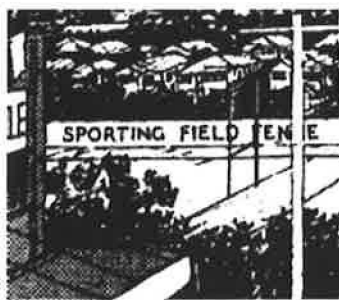
- (1) A ***social and welfare sign*** is an advertising device which identifies a charitable institution, non proprietary club, educational establishment, incorporated association or the like.
- (2) This section specifies the criteria for a social and welfare sign.
- (3) If the content or information 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 2.4m².
- (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.

24 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.

25 Motor vehicle sign

- (1) A **motor vehicle sign**⁴ 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 constructed from illuminated or reflective material.

26 Election sign

- (1) An **election sign** is a sign or poster that is able, or is intended, to—
 - (a) influence a person about voting at any government election; or
 - (b) affect the result of any government election.
- (2) The criteria prescribed for an election sign are that the advertising device must—
 - (a) not have a face area in excess of 1m²; and
 - (b) not be displayed on a local government controlled area or a road; and
 - (c) not be displayed unless, prior to the display of the advertising device, the advertiser for the advertising device has given written notice to the local government of the place at which the advertising device will be displayed; and
 - (d) if the advertising device is about a government election—be removed by the advertiser for the advertising device within 7 days of the date of the government election.

⁴ 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*.



- (3) Each candidate for a government election who intends to display election signs about the election must deliver a \$100.00 security to the local government to secure compliance with the requirements of this section 26 including, without limitation, the requirement to remove each advertising device within 7 days of the date of a government election.
- (4) The display of election signs on land must be limited to 1 election sign on the land.

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

Schedule 1, section 2(2)(c)

1. This schedule specifies general criteria for the installation, erection and display of advertising devices.
2. The advertising device must—
 - (a) not cause a nuisance; and
 - (b) be kept and maintained at all times in good order and repair, and free of graffiti.
3. The activity being advertised on the advertising device must be able to be lawfully conducted on the relevant premises.
4. The advertising device must be structurally sound.
5. The display of the advertising device must not cause obstruction of, or distraction to, pedestrian or vehicular traffic.
6. The advertising device must be of high design quality.
7. The face area of the advertising device must be appropriate for the location.
8. The height of the advertising device must be appropriate for the location.
9. The advertising device must not cause damage to public infrastructure.
10. The advertising device must be consistent with applicable environmental standards.
11. An illuminated advertising device must not be positioned so as to create glare or a nuisance to pedestrian or vehicular traffic.
12. The size and scale of the advertising device, whether attached to a building or free-standing, must be appropriate to the size and scale of the building (if any) and of the premises where it is erected or to be erected and the advertising device must not be oversized so as to detract from or dominate the building, premises or adjacent uses of the land on which it is to be displayed.
13. Where numerous small advertising devices are located adjacent to one another, the number, size, position and height of each advertising device must be limited to avoid visual clutter.
14. To avoid visual clutter, where more than 1 tenant or business occupies a building or attached premises, advertising devices located on the building, or free-standing signs, must be harmonious and co-ordinated in size and height.
15. The face area and size of an advertising device must be compatible with predominant land uses, the built environment and the orientation of the premises with respect to adjacent roads and buildings.
16. An advertising device mounted over a road or other place where vehicles are able to pass, must provide a clearance of not less than 5.7m from ground level directly adjacent to the advertising device.
17. The advertising device must be harmonious with the architectural style and character



of the location⁵

18. The advertising device must blend with landscaping and street features of the location.⁶
19. This schedule also specifies the criteria that the local government must have regard to when deciding whether to approve the display of a free-standing sign by reference to the size of the advertising device.
20. The face area of any advertising device is generally the area bounded by the framework of a manufactured panel, hoarding or illuminated sign case and is calculated by multiplying the sign face area height and width parameters.
21. However, in the case of lettering, logos or designs applied to a lesser area than the panel parameters, or individual lettering applied to a wall or awning face, the area is calculated by drawing a rectangle around the advertising device lettering.
22. In the case of irregular shaped advertising devices, including words with ascending or descending upper or lower case letter strokes, or replicas or shapes, the face area is calculated by not more than 2 abutting and non-overlapping rectangles added together.
23. Decorative lines, stripes and architectural trims of an advertising device, whether illuminated or not, form part of the face area of the advertising device.
24. In calculating the size of an advertising device, v-shaped advertising devices are classed as 2 advertising devices unless otherwise determined by this subordinate local law.
25. The maximum face area for a free-standing sign is—
 - (a) if the sign is single sided— 18m^2 ; or
 - (b) if the sign is double sided— 36m^2 .
26. The maximum allowable height for a free-standing sign is 7m.
27. If the advertising device is, or is to be, installed, erected or displayed on a local government controlled area or a road, the advertiser for the advertising device must—
 - (a) take out and maintain public liability insurance cover in an amount not less than \$10,000,000.00, or such other amount as the local government may nominate in writing from time to time, against claims for personal injury and property damage resulting from the undertaking of the prescribed activity; and
 - (b) produce documentary evidence of the insurance to the local government—
 - (i) before the commencement of the prescribed activity; and
 - (ii) if the prescribed activity commenced prior to the commencement of the authorising local law—
 - (A) within 1 month of the date of commencement of the authorising local law; and
 - (B) on each anniversary of the date of commencement of the authorising local law; and
 - (iii) within 14 days of receipt of a written notice from the local government

⁵ Where particular areas have unique or special characteristics which may affect advertising device requirements, separate guidelines or variations may be applied.

⁶ Where additional treatment may enhance the compatibility of an advertising device, such treatment may be required.



requesting the advertiser to produce documentary evidence of the insurance.

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

Section 7

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

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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.

boundary fence sign see schedule 3, section 2.

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

building name sign see schedule 3, section 4.

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

bunting sign see schedule 3, section 3.

community organisation sign see schedule 3, section 5.

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

directional community organisation sign see schedule 3, section 7.

display home sign see schedule 3, section 16.

election sign see schedule 3, section 26.

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 17.

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

free-standing sign —

- (a) means a sign which does not form part of a building or other structure which is erected on—
 - (i) a pole or poles, or a pylon structure; or
 - (ii) a solid, free-standing structure; and
- (b) includes—
 - (i) a community organisation sign; and
 - (ii) a display home sign; and
 - (iii) a garage sale sign; and
 - (iv) a real estate sign; and
 - (v) a roadside directional sign; and
 - (vi) a social and welfare sign; and
 - (vii) a sporting complex sign; and
 - (viii) a trade sign; and
 - (ix) an estate sales sign.

garage sale sign see schedule 3, section 8.

government election means an election for a local, State or Commonwealth government.

ground sign see schedule 3, section 18.

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 19.

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 9.


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

motor vehicle sign see schedule 3, section 25.

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 section 23(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 see schedule 1, section 2(2).

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

public facility directional sign see schedule 3, section 20.

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 10.

road has the meaning given in the Act.

roadside directional sign see schedule 3, section 22.

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.

sign written non-building structure sign see schedule 3, section 11.

site community organisation sign see schedule 3, section 6.

social and welfare sign see schedule 3, section 23.

sporting complex sign see schedule 3, section 21.

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

sporting field fence sign see schedule 3, section 24.

stall board sign see schedule 3, section 12.

statutory sign see schedule 3, section 13.

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 sign see schedule 3, section 14.

vehicle has the meaning given in the local law.

vertical banner sign see schedule 3, section 15.

This and the preceding 33 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2011* made in accordance with the provisions of the *Local Government Act 2009* by South Burnett Regional Council by resolution dated the 14th day of December 2011.



.....
Ken McLoughlin
CHIEF EXECUTIVE OFFICER

