

Subordinate Local Law No. 16.8 (Advertising Devices) 2016

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Subordinate Local Law No. 16.8 (Advertising Devices) 2016
made in accordance with the provisions of the *Local Government Act 2009*,
by the Council of the City of Gold Coast by resolution dated 2016

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Council of the City of Gold Coast Subordinate Local Law No. 16.8 (Advertising Devices) 2016

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 16.8 (Advertising Devices) 2016*.

2 Authorising local law

This subordinate local law is made pursuant to *Local Law No. 16 (Licensing) 2008*.

3 Object

- (1) The object of this subordinate local law is to assist in the implementation of *Local Law No. 16 (Licensing) 2008* by ensuring that the placing, building, erection or display of advertising devices, including temporary advertising devices and permanent advertising devices, does not create, or increase, a risk to human health or safety, road safety or the safety of pedestrians while providing for the functional advertisement requirements of business and ensuring that the built form and natural attributes of the local government area are maintained and not **unreasonably** compromised.
- (2) The object of this subordinate local law will be achieved by—
 - (a) ensuring that the operation of an advertising device—
 - (i) is appropriately integrated into the built environment and does not create or exacerbate visual clutter; and
 - (ii) is complementary to and integrated with the design of a building to which it is fixed; and
 - (iii) presents a visually attractive appearance in the context of the desirable characteristics of the natural and built environment, including public places and the local streetscape; and
 - (iv) minimises the impact of the advertising device on access to views and sunlight for residents on adjoining premises; and
 - (v) does not create or exacerbate a nuisance, for example, a nuisance caused by illumination; and
 - (b) ensuring that advertising devices are safely secured and do not pose a hazard to motorists, pedestrians, cyclists or residents of adjoining premises; and
 - (c) ensuring that advertising devices are displayed and maintained to

essential standards of public safety; and

- (d) ensuring that the primary purpose of the display of an advertising device on premises is to advertise or promote 1 or more of the businesses operating on the premises.

4 Definitions

The dictionary in the Schedule 3 (Dictionary) of this subordinate local law defines particular words used in this subordinate local law.

Part 2 Licensing

5 Prescribed criteria

For the purposes of Schedule 2 (Dictionary) of *Local Law No. 16 (Licensing) 2008*, the operation of an advertising device on premises must comply with the following prescribed criteria—

- (a) the advertising device must—
 - (i) be designed and constructed—
 - (A) to ensure public safety; and
 - (B) to minimise impacts on objects of scenic, historic, architectural, scientific or cultural interest; and
 - (C) to minimise visual clutter; and
 - (D) to complement the character and streetscape of the area in which it is displayed; and
 - (E) to be consistent with, and complementary to, any other advertising device on the premises; and
 - (F) to complement the scale, colour and design, including architectural features, of any building to which it is fixed or adjacent to; and
 - (ii) be positioned—
 - (A) to ensure public safety; and
 - (B) to minimise impacts on objects of scenic, historic, architectural, scientific or cultural interest; and
 - (C) so as not to result in a loss of amenity in the locality in which it is displayed; and
 - (iii) be maintained in good order and repair; and
 - (iv) if the advertising device is in a recognised themed precinct—have, on any face, a minimum proportion of 80% of the area of the face in characters of a language used in the operation of the business operated on the premises or in the English Language, and also

- have, on the face, the business name of the premises in the English language; and
- (v) if the advertising device is not in a recognised themed precinct—have, on any face, a minimum proportion of 80% of the area of the face in characters of the English language and also have, on the face, the business name of the premises in the English language; and
- (b) the advertising device must not, in the opinion of an authorised person—
- (i) create or increase a risk to human health, human safety, road safety or the safety of pedestrians; or
 - (ii) resemble an official traffic sign or traffic control device by way of shape, colour or wording; or
 - (iii) constitute a nuisance under *Local Law No. 8 (Public Health, Safety and Amenity) 2008*; or
 - (iv) create a hazard for aircraft operation on approach to, or take off from, the Gold Coast Airport, including by reason of illumination; or
 - (v) unreasonably impact on—
 - (A) a view or vista including the outlook from a dwelling; or
 - (B) the light levels entering a dwelling; or
 - (C) access to or from a dwelling; or
 - (D) the amenity¹ of the area in which it is displayed; or
 - (vi) be an excessively prominent element on the premises, or in the locality, in which it is placed or displayed; and
- (c) the advertising device must not be displayed on a parked vehicle, caravan, boat or trailer if, in the opinion of an authorised person, it is being used for the dominant or primary purpose of advertising; and
- (d) if the advertising device advertises a business operated on the premises, the operation of the business at the premises must be a lawful use² of the premises; and
- (e) if the advertising device is in a public place, the person operating the advertising device must—
- (i) at all times hold and maintain a broadform public liability insurance policy which provides indemnity to an amount not less than \$10 million or another amount specified by the local government and notes the interest of the Council of the City of Gold Coast in respect of the operation of the advertising device;

¹ The appearance of the advertising device would be considered in terms of the impact of the activity on the amenity.

² Lawful use means the business is approved to operate on the premises. Refer to Schedule 3 Dictionary.

and

- (ii) produce the policy for inspection if requested by an authorised person.

Example of paragraph (b)(i)—

The advertising device must not impede the access of emergency service vehicles or personnel.

6 Exemption from requirement for a licence

- (1) For the purposes of section 5(2) of *Local Law No. 16 (Licensing) 2008*, a licence is not required for the operation of an advertising device if —
 - (a) the advertising device is an exempt advertising device; or
 - (b) the display of the advertising device is authorized in writing by a local government, the State or the Commonwealth; or
 - (c) the advertising device, including a third party advertising device, is displayed in a public place and the display of the advertising device is authorised in writing by the local government.

Example of subsection (1)(c)—

The local government may issue a licence or a lease to a person authorizing the display of an advertising device in a park in circumstances where the advertising device promotes an event and revenue from the licence or lease is to be allocated to the Commonwealth Games funding obligations of the local government.

- (2) An advertising device on premises is an exempt advertising device if the advertising device complies with the prescribed criteria specified in section 5 and —
 - (a) is not a third party advertising device; and
 - (b) is not visible from a motorway; and
 - (c) if the advertising device is, or will be, visible from a State-controlled road—the display of the advertising device complies with the requirements of the Roadside Advertising Guide of the State; and
 - (d) the total face area of all advertising devices on the premises, but excluding the face area of any business promotional banner, changeable menu sign, hoarding sign, election sign, footpath sign, inflatable sign, menu stand sign, real estate vendor sign, security sign or trade works sign on the premises—
 - (i) if the premises are in the low density residential zone, medium density residential zone, high density residential zone or rural residential zone as defined and mapped in the local government’s planning scheme—does not exceed 0.6m²; or
 - (ii) if the premises are in a zone identified in subsection (2)(d)(i), but the premises are food and drink outlet, shop, tourist attraction, tourist shop, indoor sport and recreation or outdoor sport and recreation—does not exceed 10m²; or

- (iii) if the premises are in the rural zone, emerging community zone, limited development (constrained land) zone, or township zone as defined and mapped in the local government's planning scheme—does not exceed 2m²; or
- (iv) if the premises are in a zone identified in subsection (2)(d)(iii), but the premises are a food and drink outlet, shop, tourist attraction, tourist shop, indoor sport and recreation or outdoor sport and recreation—does not exceed 10m²; or
- (v) if the premises are in the open space zone, special purpose zone, sport and recreation zone, conservation zone or community facilities zone as defined and mapped in the local government's planning scheme—does not exceed 5m²; or
- (vi) if the premises are in a zone identified in subsection (2)(d)(v), but the premises are a food and drink outlet, shop, tourist attraction, tourist shop, indoor sport and recreation or outdoor sport and recreation—does not exceed 10m²; or
- (vii) if the premises are in the centre zone, mixed use zone, neighbourhood centre zone or innovation zone as defined and mapped in the local government's planning scheme—does not exceed whichever is the lesser of—
 - (A) 10m²; and
 - (B) 1m² for each metre of the street frontage of the premises on which the advertising device is displayed; or
- (viii) if the premises are in the major tourism zone, high impact industry zone, medium impact industry zone, low impact industry zone, extractive industry zone or waterfront and marine industry zone as defined and mapped in the local government's planning scheme—does not exceed whichever is the lesser of—
 - (A) 20m²; and
 - (B) 1m² for each metre of the street frontage of the premises on which the advertising device is displayed; and
- (e) if the advertising device is placed within the Mudgeeraba Village Character Area—the advertising device—
 - (i) is not on or over a public place; and
 - (ii) is not a freestanding sign; and
 - (iii) complies with the Mudgeeraba Village Character Area criteria; and
 - (iv) is not illuminated or animated; and
- (f) if the advertising device is an awning fascia sign—the advertising device—
 - (i) is not on or over a public place; and
 - (ii) is contained within the outline of the awning fascia; and

- (iii) including any structure to which the advertising device is fixed, has a minimum vertical clearance of 2.2m above ground level; and
 - (iv) does not project outward more than 30mm from the fascia; and
 - (v) is not illuminated or animated; and
- (g) if the advertising device is a blind sign—
- (i) the advertising device is not on or over a public place; and
 - (ii) no more than 2 blind signs are displayed at any premises used for the operation of a business; and
 - (iii) the face area of the advertising device does not exceed 50% of a single surface area of the blind; and
 - (iv) the advertising device, including any structure to which the advertising device is fixed, has a minimum vertical clearance of 2.2m above ground level; and
 - (v) the blind to which the advertising device is fixed provides shade and shelter for pedestrians and products and is not constructed as a supporting structure for the advertising device; and
 - (vi) the advertising device is not illuminated or animated; and
- (h) if the advertising device is a bunting sign—the advertising device—
- (i) is not on or over a public place; and
 - (ii) does not have a length in excess of 1m for each metre of the street frontage of the premises on which the advertising device is displayed; and
 - (iii) is not displayed within 100m of any dwelling; and
 - (iv) is displayed at a height not more than 6m above ground level or less than 2.2m above ground level; and
 - (v) is the only bunting sign on the premises; and
 - (vi) is not illuminated or animated; and
- (i) if the advertising device is a business promotional banner—the advertising device—
- (i) is not on or over a public place; and
 - (ii) is placed on premises used for the operation of a business to which the advertising device relates; and
 - (iii) has a maximum single face area of 5m²; and
 - (iv) is displayed for no longer than 28 days in any 6 month period; and
 - (v) is the only business promotional banner on the premises; and
 - (vi) is not illuminated or animated; and
- (j) if the advertising device is a canopy sign—
- (i) the advertising device is not on or over a public place; and

- (ii) the advertising device, including any structure to which the advertising device is fixed, has a minimum vertical clearance of 2.2m above ground level; and
- (iii) the face area of the advertising device does not exceed 50% of a single surface area of the canopy; and
- (iv) the canopy to which the advertising device is fixed functions as a shelter and is not constructed as a supporting structure for the advertising device; and
- (v) the advertising device is not illuminated or animated; and
- (k) if the advertising device is a changeable menu sign—the advertising device—
 - (i) is displayed within an area the use of which for roadside dining is currently authorised under *Local Law No. 11 (Roads and Malls) 2008* or on private property; and
 - (ii) has a maximum single face area of 0.75m²; and
 - (iii) is higher than it is wide; and
 - (iv) is self-supporting; and
 - (v) has a maximum of 2 faces; and
 - (vi) is the only changeable menu sign on the premises used for the operation of the roadside dining business; and
 - (vii) is not illuminated or animated; and
- (l) if the advertising device is an election sign — the advertising device is on land that is not a public place and is only displayed during an election period; and
- (m) if the advertising device is a fence sign—the advertising device—
 - (i) is not on or over a public place; and
 - (ii) is painted on or securely fixed to a fence; and
 - (iii) does not extend beyond the outline of the fence; and
 - (iv) does not project outward more than 30mm from the fence; and
 - (v) is painted on, or secured to, a fence which is capable of withstanding the additional weight and/or wind loading created by the advertising device; and
 - (vi) does not have a face area in excess of 5m² for each 25 linear metres of the street frontage of the premises on which the advertising device is displayed; and
 - (vii) is not illuminated or animated; and
- (n) if the advertising device is a flag sign—the advertising device—
 - (i) is not on or over a public place; and
 - (ii) has a maximum single face area of 2.4m²; and

- (iii) has a height not more than whichever is the lesser of—
 - (A) 5m from ground level to the top of the advertising device; and
 - (B) the height of any building located adjacent to the premises on which the advertising device is displayed; and
- (iv) is the only flag sign on the premises; and
- (v) is not illuminated or animated; and
- (o) if the advertising device is a footpath sign—the advertising device—
 - (i) is placed on a footpath; and
 - (ii) only promotes a business on premises that directly abuts the part of the footpath on which the advertising device is displayed and the advertisement relates only to that business; and
 - (iii) is the only footpath sign on a public place advertising the business immediately adjacent to the advertising device; and
 - (iv) has a maximum of 2 faces; and
 - (v) has a maximum single face area of 0.6m², including any frame work; and
 - (vi) has a height greater than its width; and
 - (vii) is of sufficient weight so as not to move in strong winds; and
 - (viii) is positioned—
 - (A) not less than 500mm from the edge of the kerb; and
 - (B) so as to maintain a minimum 2m clearway for pedestrian traffic; and
 - (C) within 7m of the business that the advertising device is advertising; and
 - (D) between the side boundaries of the business that the advertising device is advertising; and
 - (E) within the footpath; and
 - (F) so that the advertising device does not overhang any part of the carriageway or any parking lane; and
 - (ix) is not —
 - (A) mounted on a vehicle, caravan, boat or trailer; or
 - (B) fixed to any street furniture; or
 - (C) fixed to or obscuring any official traffic sign; or
 - (D) displayed outside the hours of operation of the business; or
 - (E) illuminated or animated; and
- (p) if the advertising device is a garage sale sign—

- (i) the advertising device—
 - (A) is only displayed by a resident of a dwelling on private premises or a local government road to advertise a single garage sale; and
 - (B) is a freestanding sign; and
 - (C) has a maximum single face area of 0.3m²; and
 - (D) has a maximum of 2 faces that are back to back; and
 - (E) does not interfere with pedestrian or vehicle movement; and
 - (F) does not encroach over the kerb toward any carriageway; and
 - (G) is not placed on a median strip, roundabout, local government owned or controlled park or reserve or foreshore; and
 - (H) is not fixed to a tree or roadside structure; and
 - (I) is placed within 2km of the dwelling at which the garage sale is advertised; and
 - (J) is displayed on the weekend of the garage sale, but only between the hours of 7.00 am on Saturday and 7.00 pm on Sunday; and
 - (K) displays only the address, time and duration of the garage sale; and
 - (L) is not illuminated or animated; and
- (ii) a maximum of 4 garage sale signs for each garage sale is permitted; and
- (iii) not more than 2 garage sales per dwelling may be advertised within a 12 month period; and
- (q) if the advertising device is a hamper sign—the advertising device—
 - (i) is not on or over a public place; and
 - (ii) does not project beyond the boundaries of the window or door head to which it is fixed; and
 - (iii) is not illuminated or animated; and
- (r) if the advertising device is a hoarding sign—the advertising device—
 - (i) is not on or over a public place; and
 - (ii) is painted on, or securely fixed to, the hoarding; and
 - (iii) does not extend beyond the outline of the hoarding; and
 - (iv) has a face area which does not exceed 1m² for each metre of the street frontage of the premises on which the advertising device is displayed; and
 - (v) does not project outward more than 30mm from the hoarding; and
 - (vi) is fixed to hoarding which is capable of withstanding the additional

- weight and/or wind loading created by the advertising device; and
- (vii) has content which relates only to current approved development and construction works on the premises on which the hoarding sign is displayed; and
- (viii) is removed within 14 days of a successful final building inspection or the issue of a certificate of classification for the development advertised on the advertising device; and
- (ix) is not illuminated or animated; and
- (s) if the advertising device is a home based business sign—the advertising device—
 - (i) is not on or over a public place; and
 - (ii) has a maximum single face area of 0.6m²; and
 - (iii) is fixed to a fence, wall or gate; and
 - (iv) is the only home based business sign on the premises; and
 - (v) is not illuminated or animated; and
- (t) if the advertising device is an inflatable sign—
 - (i) the advertising device—
 - (A) is not on or over a public place; and
 - (B) is the only inflatable sign on the premises; and
 - (C) is displayed for no longer than 28 days in any 6 month period; and
 - (D) other than an inflatable sign filled with cold air—is only used during daylight hours; and
 - (E) is placed so as to ensure that the inflatable sign does not interfere with any public utility; and
 - (F) is inflated using a non-flammable and non-toxic gas; and
 - (G) is not illuminated or animated; and
 - (ii) written confirmation regarding the security of the anchoring of the advertising sign has been obtained from a suitably qualified engineer; and
 - (iii) the person operating the advertising device must—
 - (A) at all times hold and maintain a broadform public liability insurance policy which provides indemnity to an amount not less than \$10 million or another amount specified by the local government and notes the interest of the Council of the City of Gold Coast in respect of the operation of the advertising device; and
 - (B) produce the policy for inspection if requested by an authorised person; and

- (iv) the height of the advertising device is not more than 10m from the base at ground level to the top of the advertising device; and
- (u) if the advertising device is a menu stand sign—the advertising device—
 - (i) is displayed within an area the use of which for roadside dining is currently authorised under *Local Law No. 11 (Roads and Malls) 2008* or on private property; and
 - (ii) has only 1 face with a maximum face area of 1m²; and
 - (iii) has a maximum total height of 1.5m; and
 - (iv) is the only menu stand sign on the premises used for the operation of the business; and
 - (v) does not display any other advertising; and
 - (vi) is self-supporting; and
 - (vii) if illuminated— is illuminated by its own internal power source; and
 - (viii) is not animated; and
- (v) if the advertising device is a mobile sign—the advertising device—
 - (i) is not on or over a public place; and
 - (ii) has a maximum of 2 faces; and
 - (iii) has a maximum single face area of 2.5m²; and
 - (iv) is the only mobile sign on the premises; and
 - (v) is displayed only during the business hours for the premises; and
 - (vi) is of sufficient weight so as not to move in strong winds; and
 - (vii) is not illuminated or animated; and
- (w) if the advertising device is a real estate vendor sign—
 - (i) the advertising device—
 - (A) is placed on premises that are for sale or lease or, if the local government is satisfied there is no suitable location on the advertised premises, a real estate vendor sign may be placed in a public place abutting and parallel to the front boundary of the advertised premises; and
 - (B) is displayed only until the day of settlement of the premises; and
 - (C) has, on any face, content of not less than 80% of the total content which relates only to the premises on which it is situated or abutting with the balance of the content relating only to the name, logo and contact details of the real estate agent or the real estate agent's business; and
 - (D) is not illuminated or animated; and
 - (ii) the advertising device may be comprised of more than 1 advertising

- device provided that the total face area of all real estate vendor signs on the premises does not exceed a maximum face area of—
- (A) for a dwelling house— 2.2m^2 ; and
 - (B) for a dual occupancy or a dwelling unit— 1.1m^2 ; and
 - (C) for a multiple dwelling— 4.5m^2 , or if there is more than 1 real estate vendor sign displayed on the premises— 1.1m^2 for each advertising device displayed on the multiple dwelling; and
 - (D) for premises in the non-urban area, the industry area or the business and tourism area— 4.5m^2 , or if there is more than 1 real estate vendor sign displayed on the premises— 1.1m^2 for each advertising device; and
 - (E) for all other premises— 2.2m^2 ; and
- (x) if the advertising device is a real estate directional sign—the advertising device —
- (i) is displayed on a road and used by a real estate agent to advertise a single open house inspection; and
 - (ii) is a freestanding sign; and
 - (iii) has a maximum single face area of 0.3m^2 ; and
 - (iv) has a maximum of 2 faces that are back to back; and
 - (v) does not interfere with pedestrian or vehicle movement; and
 - (vi) does not encroach over the kerb toward any carriageway; and
 - (vii) is not placed on a median strip, roundabout, local government owned or controlled park or reserve or foreshore; and
 - (viii) is not fixed to or obscuring any official traffic sign; and
 - (ix) is only displayed for the period of time which is specified on the advertising device up to a maximum period of 1 hour (not including the time the advertising device is displayed while it is being erected and removed, which is to be a maximum of 30 minutes before and after the period of time specified on the advertising device); and
 - (x) is the only advertising device displayed at an intersection by the real estate agent, or in the case of a divided road, is 1 of only 2 signs displayed on diagonally opposite corners of an intersection by the real estate agent; and
 - (xi) is erected by the real estate agent who is in attendance at the open house inspection to which the advertising device relates; and
 - (xii) is 1 of a maximum of 4 real estate directional signs on any combination of public roads for the single open house inspection; and
 - (xiii) is displayed at a location where the occupier of the adjoining premises does not object to the real estate directional sign being

- displayed at the location; and
- (xiv) is not illuminated or animated; and
 - (y) if the advertising device is a roadside dining furniture sign—the advertising device—
 - (i) is not a transparent screen or a transparent windbreak; and
 - (ii) is displayed within an area the use of which for roadside dining is currently authorised under *Local Law No. 11 (Roads and Malls) 2008* or on private property; and
 - (iii) has, on a single face area, content to a maximum proportion of 25% of the face area³; and
 - (iv) has a maximum face area of 2m²; and
 - (v) has, on any face, content, other than menu items or prices, which relates to the business operated on the premises; and
 - (vi) is not illuminated or animated; and
 - (z) if the advertising device is a security sign—the advertising device—
 - (i) is not on or over a public place; and
 - (ii) has a maximum single face area of 0.6m²; and
 - (iii) is the only security sign on the premises; and
 - (iv) is not illuminated or animated; and
 - (aa) if the advertising device is a stand-alone sign—the advertising device—
 - (i) is not on or over a public place; and
 - (ii) is not on or over any easement or utility service; and
 - (iii) does not exceed 2m in height above ground level; and
 - (iv) does not exceed 1.2m in width; and
 - (v) is the only stand-alone sign on the premises; and
 - (vi) if there is more than 1 tenant on the premises—provides an equal opportunity for all tenants on the premises to advertise; and
 - (vii) is not illuminated or animated; and
 - (ab) if the advertising device is a trade works sign—the advertising device—
 - (i) is not on or over a public place; and
 - (ii) has a maximum single face area of 0.6m²; and
 - (iii) is freestanding or securely fixed to a wall or fence; and
 - (iv) is the only trade works sign on the premises; and

³ For umbrellas, the maximum proportion of 25% is determined by the umbrella's roof area (including the face area of valances). The advertising may be applied to the umbrella roof and/or valance.

- (v) is displayed only while the trade works are in progress on the premises on which the advertising device is displayed; and
 - (vi) is not illuminated or animated; and
- (ac) if the advertising device is an under-awning sign—the advertising device—
- (i) is not on or over a public place; and
 - (ii) has a maximum single face area of 1.5m²; and
 - (iii) has a maximum of 2 faces; and
 - (iv) has a maximum depth of 200mm; and
 - (v) is perpendicular to the shop front of the premises on which the advertising device is displayed; and
 - (vi) has a minimum vertical clearance of 2.2m above ground level; and
 - (vii) is a minimum distance of 3m from any existing under-awning sign; and
 - (viii) is not within 1.5m of the end of any awning or the side boundary of the tenancy; and
 - (ix) does not extend beyond the awning line; and
 - (x) does not have a length in excess of 75% of the width of the awning to which it is fixed; and
 - (xi) is not “V” shaped; and
 - (xii) is not illuminated or animated; and
- (ad) if the advertising device is a vertical banner sign—the advertising device—
- (i) is not on or over a public place; and
 - (ii) does not exceed 2.8m in height or 0.75m in width; and
 - (iii) has a minimum vertical clearance of 2.2m from ground level to the lowest supporting bracket; and
 - (iv) has a height not more than whichever is the lesser of—
 - (A) 5m from ground level to the top of the advertising device; and
 - (B) the height of any building located adjacent to the premises on which the advertising device is displayed; and
 - (v) is the only vertical banner sign on the premises; and
 - (vi) is not illuminated or animated; and
- (ae) if the advertising device is a wall sign—the advertising device—
- (i) is not on or over a public place; and
 - (ii) is painted on, or securely fixed to, a wall; and

- (iii) has a design which integrates the advertising device into the design of the wall of the building; and
- (iv) does not extend beyond the outline of the wall to which it is fixed; and
- (v) does not have a face area which exceeds 50% of the area of the wall to which the advertising device is painted on or fixed; and
- (vi) does not project outward more than 30mm from the wall; and
- (vii) has a minimum separation distance from any another wall sign of not less than 1m; and
- (viii) if the premises on which the wall sign is displayed accommodates more than 1 business—provides an equal and consistent advertising opportunity for each business accommodated on the premises; and
- (ix) is not illuminated or animated; and
- (af) if the advertising device is a window sign—the advertising device—
 - (i) is not on or over a public place; and
 - (ii) does not cover more than 25% of the glazed area of a window; and
 - (iii) is not illuminated or animated.

7 Application for a licence

For the purposes of section 6(1)(c)(iv) of *Local Law No. 16 (Licensing) 2008*, an application for a licence for the operation of an advertising device must, unless otherwise required by the local government, be accompanied by—

- (a) the street address, real property description and details of the owner of the premises on which the advertising device will be displayed; and
- (b) the name, street address, telephone number, facsimile number and email address of the person displaying the advertising device; and
- (c) the trading name, street address, telephone number, facsimile number, email address, registered business name and Australian Company Number of the business under which the advertising device is to be operated; and
- (d) details of the advertising device including—
 - (i) its content, design, dimensions and construction; and
 - (ii) when, where and how the advertising device is to be displayed; and
- (e) a site plan of the premises drawn to scale and showing the proposed advertising device; and
- (f) where the applicant is not the owner of the premises on or over which the advertising device is to be displayed, the written consent of the owner of the premises; and
- (g) an image of the advertising device to be displayed; and
- (h) where the advertising device is to be fixed to an existing awning or other

structure and any part of the advertising device is or will be on or over a public place, an Engineers Certificate issued by a Registered Professional Engineer of Queensland in accordance with the *Professional Engineers Act 2002* certifying that the awning or other structure is structurally adequate to support the proposed advertising device.

8 Deciding application for a licence

For the purposes of section 7(2)(h) of *Local Law No. 16 (Licensing) 2008*, the local government must grant a licence for the operation of an advertising device if satisfied that the operation of the advertising device complies with the following assessment criteria—

- (a) the advertising device is structurally sound; and
- (b) if the advertising device is to be fixed to an existing awning or other structure and any part of the advertising device will be on or over a public place — an Engineers Certificate has been supplied to the local government from a Registered Professional Engineer of Queensland in accordance with the *Professional Engineers Act 2002* certifying that the existing awning or other structure is structurally adequate to support the advertising device; and
- (c) if the advertising device is on or visible from a State-controlled road—satisfaction of the requirements of each of the chief executive administering the *Transport Infrastructure Act 1994*⁴ and the chief executive administering the *Transport Operations (Road Use Management) Act 1995*⁵; and
- (d) the advertising device will not cause obstruction of or significant distraction to vehicular or pedestrian traffic; and
- (e) the advertising device is consistent, in colour and appearance, with the current buildings, streetscape and natural features of the environment in which it is to be displayed⁶; and
- (f) the advertising device will not unreasonably impact on the amenity or desirable natural features of the area in which it is to be displayed; and
- (g) the advertising device will not significantly obstruct a view or vista; and
- (h) an advertising device that is an inflatable sign or a banner other than a vertical banner sign must not be a permanent advertising device; and
- (i) the advertising device will relate to the lawful use conducted on the premises on which the advertising device is displayed; and

⁴ See section 43 of the *Transport Infrastructure Act 1994*.

⁵ See section 139 of the *Transport Operations (Road Use Management – Accreditation and Other Provisions) Regulation 2015*.

⁶ The proposed advertising device must be consistent with the current features of the environment in which it is to be displayed at the time that the application for a licence or the renewal of a licence is made.

- (j) the display of the advertising device must be consistent with the objects of this subordinate local law; and
- (k) an advertising device fixed to a building must be appropriately placed, scaled and designed to complement the architectural features of the building and its ancillary structures, which requirements are satisfied if the advertising device—
 - (i) does not project from, or exceed, the height of the roof surface of the building to which it is fixed; and
 - (ii) does not obscure the outline of the building, including architectural features (for example, the roofline, balustrading or upper floor windows); and
 - (iii) is consistent with the design, material and colour of the building to which it is fixed; and
 - (iv) is designed and constructed such that it does not require stays, guys, struts or a similar support; and
- (l) an advertising device that is illuminated must not create a nuisance or hazard and must not have an unreasonable impact on the amenity in the locality, which requirements are satisfied if—
 - (i) if the advertising device is in a suburban area or a non-urban area—the advertising device is illuminated only if the sign is displayed on premises used for a food and drink outlet, shop, tourist attraction, tourist shop, indoor sport and recreation or outdoor sport and recreation; and
 - (ii) the advertising device does not resemble an official traffic sign or traffic control device and is positioned to avoid creating a traffic hazard or a nuisance; and
 - (iii) if the advertising device is displayed on land within the Gold Coast Airport lighting zone as defined and mapped in the local government's planning scheme — the advertising device complies with the acceptable outcomes for illuminated advertising devices in the Airport Environs Overlay Code of the planning scheme; and
 - (iv) the luminescence levels for the advertising device are consistent with the following maximum luminescence standards—
 - (A) 500 cd/m² in an industry area;
 - (B) 400 cd/m² in a business and tourism area;
 - (C) 300 cd/m² in a suburban area or non-urban area; and
 - (v) if the advertising device is a fence sign, wall sign, awning fascia sign, billboard sign, created awning fascia sign, hamper sign, projecting sign or pylon sign—the advertising device is illuminated internally; and
 - (vi) the illumination of the advertising device is static; and
- (m) the total face area of all advertising devices on the premises must be

appropriate for the land use and be complementary to the character of the locality, which requirements are satisfied if—

- (i) the advertising device is in a suburban or non-urban area and—
 - (A) the total face area of all advertising devices displayed on the premises does not exceed 0.6m²; or
 - (B) if the premises are used for a food and drink outlet, shop, tourist attraction, tourist shop, indoor sport and recreation or outdoor sport and recreation—the total face area of all advertising devices on the premises does not exceed 10m²; or
 - (C) if the advertising device is a hoarding sign—the total face area of the advertising device does not exceed 1m² for each metre of the street frontage of the premises on which the advertising device is to be displayed; and
- (ii) the advertising device is in an industry, business and tourism area and—
 - (A) the total face area of all advertising devices does not exceed 1m² for each metre of the street frontage of the premises on which the advertising device is to be displayed; and
 - (B) the face area of any advertising device on the premises does not exceed 40m²; and
- (n) a freestanding sign must not contribute to a cluttering of advertising devices and must not create a hazard or nuisance in terms of height or clearance, which requirements are satisfied if—
 - (i) the advertising device has a height not more than whichever is the lesser of—
 - (A) 10m from ground level to the top of the advertising device; and
 - (B) the height of any building located adjacent to the premises on which the advertising device is displayed; and
 - (ii) the minimum distance between 2 freestanding signs is the combined heights of the 2 signs; and
 - (iii) the minimum distance between a freestanding sign on premises and the boundary of the premises (but excluding any boundary abutting a road) is 3m; and
 - (iv) the advertising device does not project beyond any boundary of the premises; and
- (o) an awning fascia sign must be designed to minimise visual clutter, complement the design of the building on which it is fixed, not create a hazard or nuisance in terms of height or clearance and complement existing awning fascia signs on the premises and adjoining premises, which requirements are satisfied if—
 - (i) the advertising device is contained within the outline of the awning

- fascia; and
- (ii) the advertising device, including any structure to which the advertising device is fixed, has a minimum vertical clearance of 2.2m above ground level; and
- (iii) if unilluminated — the advertising device does not project outward more than 30mm from the fascia; and
- (iv) if illuminated — the advertising device does not project outward more than 200mm from the fascia; and
- (v) the advertising device does not project within 500mm of the vertical projection of the kerb directly below the advertising device; and
- (vi) the sign is not animated; and
- (p) a billboard sign must be designed and placed to complement and not unreasonably impact on the amenity of the area in which it is displayed, which requirements are satisfied if—
 - (i) the advertising device is perpendicular to the road adjacent to the premises; and
 - (ii) the advertising device is placed as close to the centre of the street frontage of the premises as practicable; and
 - (iii) the advertising device has a maximum of 2 faces; and
 - (iv) the angle of a “V-shaped” billboard sign is no greater than 45 degrees; and
 - (v) the advertising device does not exceed 18m² in single face area; and
 - (vi) the sign is not animated; and
- (q) a blind sign must be designed to minimise visual clutter, complement the design of the building on which it is fixed and not create a hazard or nuisance in terms of height or clearance, which requirements are satisfied if—
 - (i) no more than 2 blind signs are displayed at any premises used for the operation of a business; and
 - (ii) the face area of the advertising device does not exceed 50% of a single surface area of the blind; and
 - (iii) the advertising device, including any structure to which the advertising device is fixed, has a minimum vertical clearance of 2.2m above ground level; and
 - (iv) the blind to which the advertising device is fixed provides shade and shelter for pedestrians and products and is not constructed as a supporting structure for the advertising device; and
 - (v) the advertising device is not illuminated or animated; and
- (r) a building name sign must complement the scale and design of the

- building on which it is fixed, which requirements are satisfied if—
- (i) the advertising device is contained within the visible outline of the building to which it is fixed; and
 - (ii) the advertising device size and associated lettering is of a scale that is sympathetic with the size of the building to which it is fixed; and
 - (iii) the advertising device is designed and constructed to act as a landmark feature which makes a positive contribution to the streetscape; and
- (s) a bunting sign must be designed to positively contribute to the streetscape of the locality without exacerbating sign clutter or detracting from the amenity of surrounding premises and must complement other signs on the premises, which requirements are satisfied if the advertising device—
- (i) is not displayed within 100m of any dwelling; and
 - (ii) is displayed at a height of not more than 6m above ground level, or less than 2.2m above ground level; and
 - (iii) does not have a length in excess of 1m for each metre of the street frontage of the premises on which the advertising device is displayed; and
 - (iv) is not illuminated or animated; and
- (t) a canopy sign must be designed to minimise visual clutter, complement the scale and design of the building on which it is fixed and not create a hazard or nuisance in terms of height or clearance, which requirements are satisfied if—
- (i) the height of the advertising device does not exceed 1m; and
 - (ii) the advertising device, including any structure to which the advertising device is fixed, has a minimum vertical clearance of 2.2m above ground level; and
 - (iii) the face area of the advertising device does not exceed 50% of a single surface area of the canopy; and
 - (iv) the canopy to which the advertising device is fixed functions as a shelter and is not constructed as a supporting structure for the advertising device; and
 - (v) the advertising device is not illuminated or animated; and
- (u) a created awning fascia sign must be designed to minimise visual clutter, complement the design of the building on which it is fixed, clearly identify the business to which it relates and not create a hazard or nuisance in terms of height or clearance, which requirements are satisfied if—
- (i) the total face area of the advertising device is not more than 25% of the face area of the existing approved awning fascia; and
 - (ii) the advertising device does not extend beyond the ends of the existing awning fascia; and

- (iii) the advertising device has a minimum vertical clearance of 2.2m above ground level; and
 - (iv) the advertising device does not project within 500mm of the vertical projection of the kerb directly below the advertising device; and
 - (v) if unilluminated—the advertising device does not project outward more than 30mm from the awning fascia; and
 - (vi) if illuminated—the advertising device does not project outward more than 200mm from the awning fascia; and
 - (vii) the advertising device is not animated; and
- (v) a fence sign must not contribute to visual clutter, which requirement is satisfied if—
- (i) the advertising device is painted on or securely fixed to a fence; and
 - (ii) the advertising device does not extend beyond the outline of the fence; and
 - (iii) the advertising device does not project outward more than 30mm from the fence; and
 - (iv) the advertising device does not project beyond any boundary of the premises; and
 - (v) the advertising device is painted on, or secured to, a fence which is capable of withstanding the additional weight and wind-loading created by the advertising device; and
 - (vi) the advertising device does not have a face area in excess of 5m² for each 25 linear metres of the street frontage of the premises on which the advertising device is to be displayed; and
 - (vii) the advertising device is not animated; and
- (w) a flag sign must be designed to positively contribute to the streetscape of the local area without creating or exacerbating sign clutter and must not create a hazard or nuisance in terms of height or clearance, which requirements are satisfied if—
- (i) the height of the advertising device does not exceed the height of the existing buildings and structures which are adjacent to or within the locality; and
 - (ii) the advertising device has a maximum single face area of 2.4m²; and
 - (iii) the advertising device has a minimum vertical clearance of 5m above ground level; and
 - (iv) there is not more than 1 advertising device for each 15 linear metres of the street frontage of the premises on which the advertising device is to be displayed; and

- (v) the advertising device is not illuminated; and
- (x) a hamper sign must be designed to minimise visual clutter and complement the design of the building to which it is fixed, which requirements are satisfied if—
 - (i) the advertising device does not project beyond the boundaries of the window or door head to which the advertising device is fixed; and
 - (ii) the design of the advertising device is consistent with, and complementary to, adjacent hamper signs; and
 - (iii) the advertising device is not animated; and
- (y) a hoarding sign must effectively screen the premises on which it is displayed without contributing to visual clutter and only display content that relates to current approved development and construction works on the premises, which requirements are satisfied if—
 - (i) the advertising device is not on or over a public place; and
 - (ii) the advertising device is painted on, or securely fixed to, the hoarding; and
 - (iii) the advertising device does not extend beyond the outline of the hoarding; and
 - (iv) the advertising device has a face area which does not exceed 1m² for each metre of the street frontage of the premises on which the advertising device is to be displayed; and
 - (v) the advertising device does not project outward more than 30mm from the hoarding; and
 - (vi) the advertising device is fixed to a hoarding which is capable of withstanding the additional weight and/or wind loading created by the advertising device; and
 - (vii) the advertising device must be removed within 14 days of a successful final building inspection or the issue of a certificate of classification for the development advertised on the advertising device; and
 - (viii) the advertising device is not illuminated or animated; and
- (z) a home based business sign must not have an adverse impact on the amenity of the locality, which requirement is satisfied if—
 - (i) the advertising device has a maximum single face area of 0.6m²; and
 - (ii) the advertising device is fixed to a fence, wall or gate; and
 - (iii) there is only 1 home based business sign on the premises for each lawful home based business operated from the premises; and
 - (iv) the advertising device is not illuminated or animated; and
- (aa) a mobile sign must not contribute to visual clutter within the locality and

- must not create a safety hazard or nuisance, which requirements are satisfied if—
- (i) the advertising device has a maximum single face area of 2.5m²; and
 - (ii) the advertising device has a maximum of 2 faces; and
 - (iii) a maximum of 1 mobile sign is displayed on the premises; and
 - (iv) the advertising device is displayed only during the business hours for the premises; and
 - (v) the advertising device is of sufficient weight so as not to move in strong winds; and
 - (vi) the advertising device is not illuminated or animated; and
- (ab) a projected image sign must provide visual interest in a manner that does not create a lighting nuisance and must comply with the following—
- (i) the advertising device is not displayed within a suburban area or a non-urban area; and
 - (ii) the advertising device is professionally designed and only displayed within a major centre in a business and tourism area that provides for night time activities; and
 - (iii) the advertising device is not animated; and
- (ac) a projecting sign is designed to minimise visual clutter and complement the design of the building on which it is fixed, which requirements are satisfied if—
- (i) not more than 1 projecting sign is displayed on the premises used for the operation of a business; and
 - (ii) the advertising device has a vertical orientation with a maximum outward projection of 1.5m and a minimum vertical clearance of 2.2m above ground level; and
 - (iii) the advertising device has a maximum height of 5m and does not extend above the wall to which it is fixed; and
 - (iv) the advertising device is positioned a minimum distance of 5m from any existing projecting sign; and
 - (v) the advertising device is not “V” shaped; and
 - (vi) the advertising device has a maximum of 2 faces; and
 - (vii) the advertising device is fixed flush to the wall; and
- (ad) a pylon sign must be designed and displayed to complement and not dominate the environment in which it is displayed, which requirements are satisfied if—
- (i) the advertising device is perpendicular to the road; and
 - (ii) the advertising device is placed as close to the centre of the street frontage of the premises as is practicable; and

- (iii) where premises accommodate more than 1 business, a tenant menu sign must be displayed on the premises; and
 - (iv) the advertising device has a maximum of 2 faces; and
 - (v) the advertising device is not “V” shaped; and
- (ae) a real estate development sign must be proportionate to the function and location, which requirements are satisfied if—
- (i) the advertising device has a maximum single face area of 18m²; and
 - (ii) the advertising device does not have a face area in excess of 5m² for each 25 linear metres of the street frontage of the premises on which the advertising device is to be displayed; and
 - (iii) the advertising device provides information about the development on the premises; and
 - (iv) the advertising device is not illuminated or animated; and
- (af) a real estate directional development sign must be proportionate to the function and location, which requirements are satisfied if—
- (i) the advertising device has a maximum single face area of 12m²; and
 - (ii) the advertising device does not have a face area in excess 5m² for each 25 linear metres of the street frontage of the premises on which the advertising device is to be displayed; and
 - (iii) a maximum of 1 real estate directional development sign is displayed on the premises; and
 - (iv) the advertising device is not illuminated or animated; and
- (ag) a roof sign must be designed to minimise visual clutter and complement the scale and design of the building on which it is fixed, which requirements are satisfied if—
- (i) the advertising device is not on or over a public place; and
 - (ii) the advertising device does not project above the roof line of the building on which it is fixed; and
 - (iii) the advertising device does not project beyond any side wall of the building; and
 - (iv) the supporting structure for the advertising device is not visible and is integrated into the design of the roof; and
 - (v) a maximum of 1 roof sign is displayed on premises used for the operation of a business; and
 - (vi) the advertising device is concealed from adjacent residential accommodation uses; and
 - (vii) the advertising device is not illuminated or animated; and
 - (viii) for a painted on advertising device, the advertising device is not

- larger than 25% of the roof section that it is applied to; and
- (ah) a security sign must be designed and placed to alert the public about a security system without contributing to visual clutter, which requirements are satisfied if—
 - (i) the advertising device has a maximum single face area of 0.6m²; and
 - (ii) there is only 1 security sign for each 25 linear metres of the street frontage of the premises on which the advertising device is to be displayed; and
 - (iii) the advertising device is not animated; and
 - (ai) a stand-alone sign must be designed and placed to complement and not dominate the environment in which it is displayed, which requirements may be satisfied if the advertising device does not have a single face area greater than 5m²; and
 - (aj) a temporary banner sign must be designed and placed to complement and not dominate the environment in which it is displayed, which requirements are satisfied if—
 - (i) the advertising device relates to—
 - (A) an activity permitted under *Local Law No. 9 (Parks and Reserves) 2008*; or
 - (B) a short term event such as a fete, fair, activity or other event to be held at a location other than a park; or
 - (C) an activity otherwise approved by the local government; and
 - (ii) the advertising device is displayed—
 - (A) on a permitted banner site or other device approved by the local government; and
 - (B) within a radius of 5km of the venue of the activity advertised on the advertising device; and
 - (iii) the permitted banner site or other device on which the advertising device is to be displayed has sufficient area and/or capacity to display the banner; and
 - (iv) the advertising device is displayed by a charity which is registered with the Australian Charities and Not-for-profits Commission; and
 - (v) the advertising device does not contain commercial or corporate advertising; and
 - (vi) the advertising device is displayed for a maximum period of 28 days; and
 - (vii) the advertising device is not illuminated or animated; and
 - (ak) a temporary promotional sign must be designed and placed to complement and not dominate the environment in which it is displayed, which requirements are satisfied if—

- (i) the advertising device is freestanding; and
 - (ii) the advertising device has a maximum single face area 0.3m²; and
 - (iii) the number of temporary promotional signs is limited to 4 signs per event; and
 - (iv) the advertising device has a maximum of 2 faces back to back; and
 - (v) the advertising device is placed on a local government controlled road; and
 - (vi) the advertising device is not placed on a median strip or roundabout; and
 - (vii) the advertising device is placed within a radius of 5km of the venue of the activity advertised on the advertising device; and
 - (viii) the advertising device does not contain commercial or corporate advertising; and
 - (ix) the advertising device will promote a non-profit or community event; and
- (al) a third party advertising device must be designed to minimise visual clutter, be proportionate to and complement the function and location of the surrounding land uses and the premises on which the advertising device is displayed, which requirements are satisfied if—
- (i) the advertising device will not unreasonably detract from the image and identity of the area in which it is displayed; and
 - (ii) the advertising device has a maximum single face area⁷ of 45m² (including the sign manager's name plate); and
 - (iii) the advertising device has a maximum angle between faces of 45 degrees; and
 - (iv) the advertising device does not obscure the view, or reduce the exposure, of any existing approved advertising device on the premises; and
 - (v) the advertising device is the only third party advertising device situated within a 500m radius of the premises on which the advertising device is displayed; and
- (am) a tourism directional sign must be designed to minimise visual clutter, be proportionate to and complement the function and location of the surrounding land uses and the premises on which the advertising device is displayed, which requirements are satisfied if—
- (i) the advertising device promotes a tourist destination; and
 - (ii) the advertising device has a maximum face area of 5m²; and
 - (iii) the advertising device is placed within a radius of 2km of the

⁷ The face area of a rotating sign is calculated as 50% of the combined area of all of the faces.

- tourist destination that it is advertising; and
- (iv) there is a maximum of 1 tourist directional sign on any premises; and
- (v) the advertising device is not illuminated or animated; and
- (an) a trade works sign must be proportionate to the function and location, which requirements are satisfied if—
 - (i) the advertising device is not a permanent advertising device; and
 - (ii) the advertising device does not have a face area in excess of 5m² for each 25 linear metres of the street frontage of the premises on which the advertising device is to be displayed; and
 - (iii) the advertising device provides information about trade works on the premises; and
 - (iv) the advertising device is used to screen unsightly works, barriers or construction equipment; and
 - (v) the advertising device is not illuminated or animated; and
- (ao) an under-awning sign must be designed to minimise visual clutter, complement the design of the building on which it is fixed and must not create a hazard or nuisance in terms of height or clearance, which requirements are satisfied if—
 - (i) the advertising device has a maximum single face area of 1.5m²; and
 - (ii) the advertising device has a maximum of 2 faces; and
 - (iii) the depth of the advertising device does not exceed 200mm; and
 - (iv) the advertising device face is perpendicular to the shop front of the premises on which the advertising device is displayed; and
 - (v) the advertising device has a minimum vertical clearance of 2.2m above ground level; and
 - (vi) the minimum distance from the advertising device to any existing under-awning sign is 3m; and
 - (vii) the minimum distance from the advertising device to the end of any awning or the side boundary of the tenancy is 1.5m; and
 - (viii) the advertising device does not extend beyond the awning line; and
 - (ix) the advertising device does not have a length in excess of 75% of the width of the awning to which it is fixed; and
 - (x) the advertising device is not "V" shaped; and
- (ap) a vertical banner sign must be designed to positively contribute to the streetscape of the local area without creating or exacerbating sign clutter and must not create a hazard or nuisance in terms of height or clearance, which requirements are satisfied if—
 - (i) the advertising device face area does not exceed 2.8m in height or

- 0.75m in width; and
- (ii) the advertising device has a height from ground level to the top of the advertising device of not more than 5m; and
 - (iii) the advertising device, including any structure to which the advertising device is fixed, has a minimum vertical clearance of 2.2m from ground level to the lower supporting bracket; and
 - (iv) the advertising device does not extend beyond any boundary of the premises; and
 - (v) there is not more than 2 vertical banner signs on a freestanding pole; and
 - (vi) the advertising device is not illuminated or animated; and
- (aq) a wall sign must be designed to minimise visual clutter, complement the design of the building on which it is fixed and existing wall signs on the premises, which requirements are satisfied if—
- (i) the design of the advertising device integrates the advertising device into the design of the wall of the building; and
 - (ii) the advertising device does not have a face area which exceeds 50% of the area of the wall to which it is painted or fixed; and
 - (iii) the advertising device does not extend beyond the outline of the wall to which it is fixed; and
 - (iv) if the premises on which the wall sign is displayed accommodates more than 1 business—the wall sign provides an equal and consistent advertising opportunity for each business accommodated on the premises; and
 - (v) the advertising device does not visually dominate the streetscape; and
 - (vi) the advertising device has a minimum separation distance from any other wall sign of not less than 1m; and
 - (vii) if the advertising device is unilluminated—the advertising device does not project outward more than 30mm from the wall; and
 - (viii) if the advertising device is illuminated—the advertising device does not project outward more than 200mm from the wall and is internally illuminated; and
- (ar) a window sign must be designed to minimise visual clutter, not compromise the visual and solar access function of the window or dominate the facade, which requirements are satisfied if—
- (i) the advertising device does not cover more than 25% of the glazed area of the window; and
 - (ii) the advertising device is complementary to adjacent window signs; and
- (as) an advertising device that is displayed on premises used by a sporting

club must be designed to minimise visual clutter, be proportionate to and complement the function and location of the surrounding land uses and the premises on which the advertising device is displayed, which requirements are satisfied if—

- (i) where the advertising device is displayed on a club house, the advertising device must be—
 - (A) of reasonable size in proportion to the club house to which it is fixed; and
 - (B) uniform in size, shape and form with other advertising devices displayed on the club house; and
 - (C) arranged with other advertising devices displayed on the club house in a balanced and consistent manner so as not to dominate the building or area; and
- (ii) where the advertising device is a freestanding sign, the advertising device must be—
 - (A) of reasonable size in proportion to the area in which it is to be displayed; and
 - (B) uniform in size, shape and form with other advertising devices displayed on land used by the sporting club; and
 - (C) arranged with other advertising devices displayed on the land in a balanced and consistent manner and so as not to dominate the building or area; and
- (iii) the advertising device has, on any face area, content that is corporate or commercial to a maximum proportion of 25% of the area of the wording, except where the sporting club can demonstrate that—
 - (A) the corporate sponsorship is the primary means of funding for the sporting club; and
 - (B) the sporting club does not contain gaming machines and is not licensed premises pursuant to the *Liquor Act 1992*; and
- (iv) where the advertising device is to be displayed on an existing fence, the advertising device must —
 - (A) face inwards to the field/playing area; and
 - (B) be uniform in size, shape and form with other advertising devices displayed on the fence; and
 - (C) be painted on the rear with a colour approved by the local government; and
- (at) an advertising device which relates to an activity being undertaken by the members of a religious organisation that is displayed on premises owned by the religious organisation must—
 - (i) provide a significant benefit to members of the religious organisation; or

- (ii) be for an activity the revenue from which will be used for a bona fide charitable purpose for the benefit of the community; and
- (au) an advertising device for a registered non-profit organisation that is not a sporting club, school or religious organisation, will be assessed against the criteria specified in section 8(as) and (at) where applicable; and
- (av) if the advertising device is in the Mudgeeraba Village Character Area, the advertising device must maintain or enhance the visual amenity of the area, which requirement is satisfied by compliance with the Mudgeeraba Village Character Area criteria.

9 Conditions of a licence

For the purposes of section 9(3) of *Local Law No. 16 (Licensing) 2008*, the local government may impose all or any of the following conditions on a licence for an advertising device⁸—

- (a) the advertising device must comply with any relevant development approval; and
- (b) the advertising device must be maintained in good order and repair; and
- (c) the advertising device must not constitute a nuisance under *Local Law No. 8 (Public Health, Safety and Amenity) 2008*; and
- (d) the advertising device must be positioned on the premises so as not to constitute a risk to road safety; and
- (e) the advertising device must not be placed on or over a public place; and
- (f) any premises, building or structure which is part of the display of the advertising device must be constructed in accordance with the requirements of the *Sustainable Planning Act 2009* and/or the *Building Act 1975*; and
- (g) a requirement that the holder of the licence not change in any respect any premises, building, structure, facility or equipment which is part of the display of the advertising device without the prior approval of the local government; and
- (h) a banner on public land must have a maximum dimension of 5m in length and 1m in height; and
- (i) the owner of an advertising device that is displayed on or over a public place must—
 - (i) at all times hold and maintain a broadform public liability insurance policy which provides indemnity to an amount not less than \$10 million or another amount specified by the local

⁸ This section prescribes, for the purposes of section 9(3) of *Local Law No. 16 (Licensing) 2008*, the conditions that will ordinarily be imposed in a licence. However, the local government may, pursuant to section 9(1) of *Local Law No. 16 (Licensing) 2008*, grant a licence on any conditions the local government considers appropriate.

- government and note the interest of the Council of the City of Gold Coast in respect of the operation of the advertising device; and
- (ii) produce the policy for inspection if requested by an authorised person; and
 - (j) vacant land in a residential dwelling area upon which a real estate development sign is displayed must be mown on a monthly basis and be generally maintained to a high standard; and
 - (k) prior to a time specified in an approval, an Engineers Certificate issued by a Registered Professional Engineer of Queensland in accordance with the *Professional Engineers Act 2002* must be supplied to the local government certifying that the existing awning or other structure is structurally adequate to support the advertising device; and
 - (l) upon completion of the fixing of the advertising device to an awning or other structure, an Engineers Certificate issued by a Registered Professional Engineer of Queensland in accordance with the *Professional Engineers Act 2002* must be supplied to the local government certifying the fixing of the subject advertising device to the approved awning or other structure.

10 Transfer of a licence

For the purposes of section 11(1)(b) of *Local Law No. 16 (Licensing) 2008*, a licence cannot be transferred if the licence is for a real estate development sign or a real estate directional development sign.

Part 3 Enforcement

11 Seizure of advertising device

- (1) For the purposes of section 17 (Seizure of goods or objects) of *Local Law No. 16 (Licensing) 2008*, an authorised person may seize an advertising device if—
 - (a) the advertising device is on a public place and the advertising device—
 - (i) is not an exempt advertising device; and
 - (ii) is operated without a licence issued pursuant to section 5(1) of *Local Law No. 16 (Licensing) 2008*; or
 - (b) is operated contrary to a condition of a licence imposed under section 9(1) of *Local Law No. 16 (Licensing) 2008*.
- (2) Any advertising devices seized under subsection (1) are goods of a type specified under this subordinate local law for the purposes of section 39(2)(a)(iv) of *Local Law No. 3 (Administration) 2008*.

Part 4 Repeal and transitional provisions

12 Repeal

This subordinate local law repeals *Subordinate Local Law No. 16.8 (Advertisement) 2008*.

13 Licences

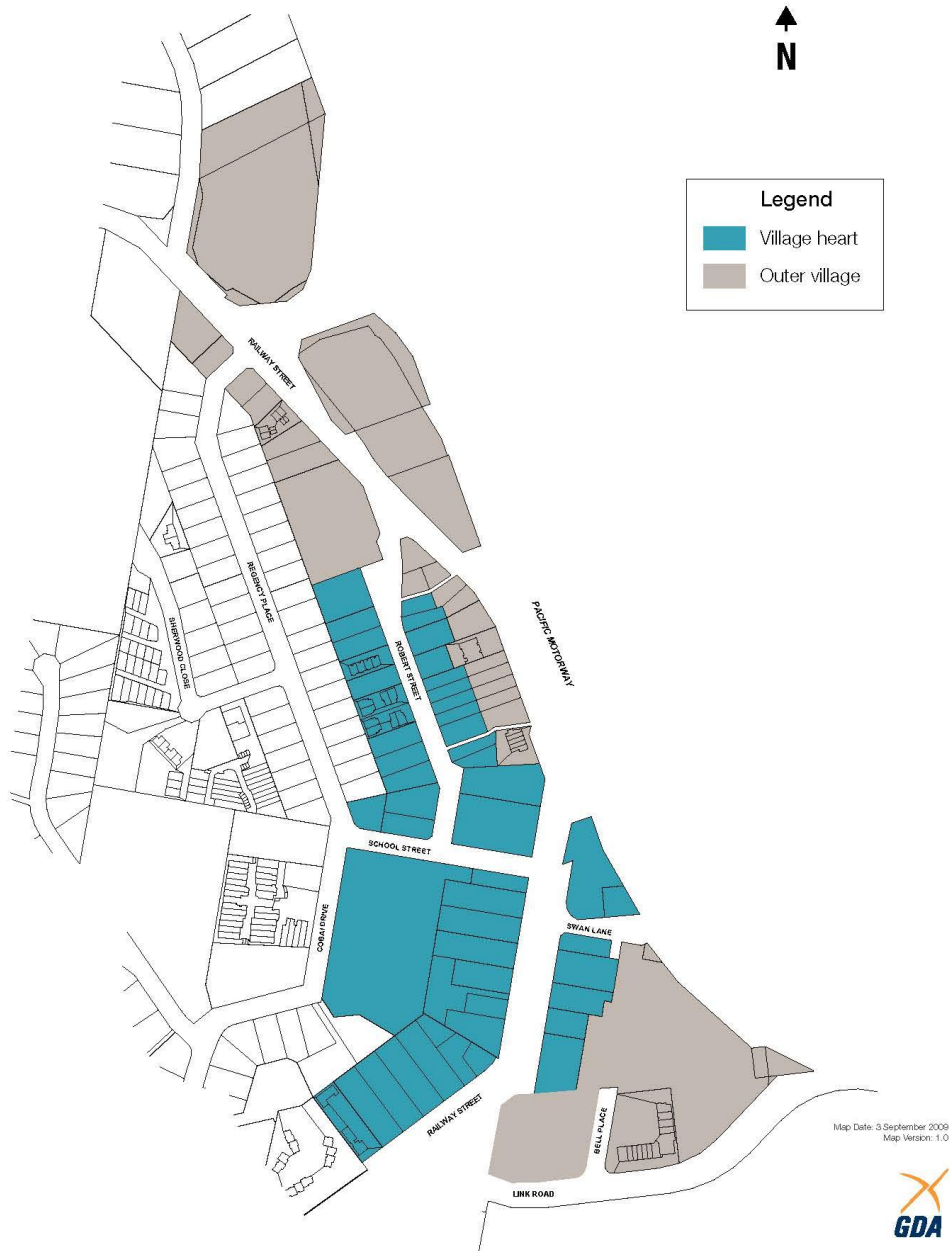
A licence under *Local Law No. 16 (Licensing) 2008* for an advertising device that was in force immediately before the commencement of this section continues in force as a licence for the advertising device after the commencement of this section subject to the same terms and conditions to which the licence was subject immediately before the commencement of this section.

14 Proceedings

A proceeding about an advertising device under *Local Law No. 16 (Licensing) 2008* started before the commencement of this section may be continued under *Local Law No. 16 (Licensing) 2008* as if *Subordinate Local Law No. 16.8 (Advertisement) 2008* had not been repealed.

Schedule 1 Mudgeeraba Village Character Area Map

Schedule 1 Mudgeeraba Village character area map



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COC11630

Schedule 2 Mudgeeraba Village Character Area Criteria

1. Purpose

The purpose of this schedule is to, for an advertising device which is, or is to be, displayed on premises within the Mudgeeraba Village Character Area, specify —

- (a) prescribed criteria with which the advertising device must comply if the advertising device is to be the exempt advertising device for which a licence is not required under section 5(2) of *Local Law No. 16 (Licensing) 2008*; and
- (b) if the advertising device is not an exempt advertising device because the advertising device does not comply with the prescribed criteria specified in sections 4 and 5 of this Schedule 2—assessment criteria about which the local government must be satisfied before the local government must grant a licence for the operation of the advertising device.

2. Application of this schedule

This schedule only applies to the display of an advertising device within the Mudgeeraba Village Character Area.

3. Object

The object of this schedule is to ensure that the historical urban form and character of the Mudgeeraba Village (*Village*) is maintained or enhanced by guiding property owners and business in the design and assessment of advertising devices to be displayed on premises within the Mudgeeraba Village Character Area as defined in Schedule 1.

4. General Criteria

An advertising device is an exempt advertising device if the advertising device complies with the following general prescribed criteria—

- (a) the advertising device must not detract from the architectural features of the building and must not dominate the character of the streetscape; and
- (b) the advertising device must be set within a border or frame of heritage colours and/or a traditional heritage frame design which complements the building, its ancillary structures and colour scheme; and
- (c) the colours and materials used for the boarder or frame of the advertising device must be in keeping with, or complement, the guide of heritage colours specified in section 5(i); and

- (d) the font style, excluding corporate lettering and logos, must be in a traditional style of font such as Times New Roman, Garamond or Book Antiqua; and
- (e) the building or place name (eg, Mudgeeraba Village) must take prominence over any other advertising device on the premises; and
- (f) the border or frame must cover at least 10% of the face area of the advertising device; and
- (g) the face area of the advertising device must not exceed 1m² for each metre of the street frontage of the premises on which the advertising device is displayed.

5. Specific Criteria

An advertising device is an exempt advertising device if the advertising device complies with the following specific prescribed criteria—

- (a) a freestanding sign must maintain and enhance the historical urban form or character of the Village, which will be achieved if—
 - (i) the advertising device has a height of not more than whichever is the lesser of—
 - (A) 3.5 m from ground level to the top of the advertising device; and
 - (B) the height of any building located adjacent to the premises on which the advertising device is displayed; and
 - (ii) the advertising device is supported by 2 posts which provide a border or frame to both edges of the advertising device and incorporates a decorative top; and
 - (iii) if the advertising device advertises a single business — the advertising device is supported by 1 post and hung to the side of the post with a decorative heritage design; and
 - (iv) if the premises on which the advertising device is displayed accommodates more than 1 business — the advertising device provides an equal and consistent advertising opportunity for each business accommodated on the premises; and
 - (v) an advertising device in the Village Heart Precinct must not exceed 2m² per single face area, excluding the timber border or frame, per premises; and

- (vi) a single post advertising device has a maximum of 2 faces and its face area does not exceed 0.8m^2 per single face area, excluding the timber border or frame, per premises; and
 - (vii) a sign in the Outer Village Precinct must not exceed 5m^2 per single face area, but excluding the timber border or frame, per premises; and
 - (viii) a single post advertising device has a maximum of 2 faces and its face area does not exceed 1m^2 per single face, excluding the timber border or frame, per premises; and
- (b) a window sign must maintain or enhance the historical urban form or character of the Village, which will be achieved if—
- (i) the advertising device is applied directly to the glazing, does not restrict the solar function of the window, and does not include coloured film or frosting effects; and
 - (ii) the advertising device does not cover more than 25% of the glazed area of the window; and
 - (iii) the advertising device contains only lettering and graphics; and
 - (iv) an advertising device displayed behind the window does not obscure more than 25% of the glazed area of the window; and
- (c) a parapet/fascia sign must maintain or enhance the historical urban form or character of the Village, which will be achieved if—
- (i) the advertising device has a heritage border and is set back 500mm from each end of the parapet/fascia; and
 - (ii) the advertising device, including the border, covers a maximum of 75% of the area of the parapet/fascia and does not extend the full height of the parapet/fascia; and
 - (iii) the advertising device's border covers at least 10% of the face area of the advertising device which must be included in total face area calculation; and
 - (iv) if the parapet/fascia extends over several businesses, a separate advertising device surrounded with a border must be used for each business; and
- (d) a wall sign must maintain or enhance the historical urban form or character of the Village, which will be achieved if—
- (i) the advertising device does not have a face area which exceeds 35% of the area of the wall to which it is painted on or fixed and must be a single advertising device surrounded by a border; and

- (ii) the advertising device's border must cover at least 10% of the face area of the advertising device and must be included in the total face area calculation; and
 - (iii) where several businesses are located on the premises, the advertising for each business must be included in 1 advertising device with the place name located at the top of the advertising device; and
- (e) an under-awning sign must maintain or enhance the historical urban form or character of the Village, which will be achieved if—
 - (i) the advertising device has a minimum vertical clearance of 2.2m above ground level; and
 - (ii) if the building on which the advertising device is displayed has post supported awnings —
 - (A) the advertising device may extend a maximum of 75% of the width of the awning excluding the border of the advertising device; or
 - (B) the advertising device may extend a maximum of 80% of the width of the awning including the border of the advertising device; and
- (f) a blackboard sign must maintain or enhance the historical urban form or character of the Village, which will be achieved if—
 - (i) the advertising device is fixed to a wall or window and advertises specials; and
 - (ii) the advertising is temporary and kept in a neat and tidy state; and.
- (g) a gable sign must maintain or enhance the historical urban form or character of the Village, which will be achieved if the advertising device does not have a face area which exceeds 35% of the area of the gable on which the advertising device is displayed; and
- (h) an advertising device is not an exempt advertising device if it is not appropriate for display in the Mudgeeraba Village Character Area, including each of the following—
 - (i) a corporate flag;
 - (ii) a fence sign;
 - (iii) a roof sign;
 - (iv) an above awning sign; and

- (i) the border or frame of an advertising device must display only 1 or more of the following heritage colours from the Australian Standard AS2700 Colour Chart—
- (i) Deep Indian Red R64;
 - (ii) Deep Stone Y55;
 - (iii) Bottle Green G11;
 - (iv) Cream Y34;
 - (v) Sandstone Y53;
 - (vi) Biscuit X42;
 - (vii) Coffee X52;
 - (viii) Cinnamon X45;
 - (ix) Charcoal B64;
 - (x) Terra Cotta R52;
 - (xi) Venetian Red R62;
 - (xii) Cootamundra T45;
 - (xiii) Light Grey Blue B44.

Schedule 3 Dictionary

Section 4

above-awning sign means an advertising device that is mounted on top of an awning or veranda roof.

advertising device—

- (a) has the meaning given in *Local Law No. 16 (Licensing) 2008*; but
- (b) for the purposes of this subordinate local law, includes each of—
 - (i) a temporary advertising device; and
 - (ii) a permanent advertising device.

awning fascia sign means an advertising device that is painted on or fixed flush to the fascia of an awning, veranda or similar structure.

banner includes a device which has flexible material as a major component of its construction.

billboard sign means an advertising device with a display surface with a width that is greater than the height and which is positioned on the ground or mounted on 1 or more vertical supports.

blackboard sign means an advertising device that has, as part of its construction, a smooth surface on which hand written content may be applied by chalk or similar temporary product.

blind sign means an advertising device painted on or fixed and within the outline of a blind that is suspended from the edge of an awning, veranda or wall.

building name sign means an advertising device identifying the name of a building and is located high on the top portion of that building.

bunting sign means an advertising device that is a series of small flags, pennants, streamers or ribbons suspended from a rope or cable.

business has the meaning given in *Local Law No. 7 (Council Property) 2008*.

business and tourism area means premises within a centre zone, neighbourhood centre zone, major tourism zone, innovation zone, mixed use zone, and any land or precinct that most closely reflects any of the aforementioned zones as defined and mapped in the local government's planning scheme.

business promotional banner means an advertising device that is a banner and used for the promotion of a business.

canopy sign means an advertising device that is painted on or otherwise fixed to and within the outline of a canopy.

changeable menu sign means an advertising device that displays a changeable menu.

created awning fascia sign means an advertising device that is fixed to an existing awning fascia and extends above the top line of the original fascia to create a new fascia line.

development approval has the meaning given in the *Sustainable Planning Act 2009*.

dual occupancy has the meaning given in the local government's planning scheme.

dwelling has the meaning given in the local government's planning scheme.

dwelling house has the meaning given in the local government's planning scheme.

dwelling unit has the meaning given in the local government's planning scheme.

election means an election of—

- (a) a member of the local government; or
- (b) a member of the Legislative Assembly; or
- (c) a member of the House of Representatives or the Senate; or
- (d) a person to a position in accordance with the provisions of an Act.

election period for an election means the period—

- (a) starting the day after the following relevant act is done—
 - (i) the writ for the election is issued; or
 - (ii) public notice for the election is given; and
- (b) ending on the close of the poll in the election.

election sign means an advertising device that promotes, displays advice about or draws attention to an election or a person or group of persons, including a political party involved in an election, referendum or political activity.

exempt advertising device has the meaning given in section 6(2) of this subordinate local law.

face area, of an advertising device or devices, means —

- (a) if the advertising device has only 1 plane of signage — the surface area of that plane, for example, for a sign painted or fixed to a wall, the surface area of the sign, or, for a single sided pylon sign, the surface area of the pylon sign; and
- (b) if the advertising device has an irregular shape — the total area of the smallest square or rectangle that entirely encloses the surface area of the advertising device; and
- (c) if the advertising device has 2 faces — the total area of both faces of the advertising device; and
- (d) if the advertising device has a three dimensional form —
 - (i) the total area of signage is determined by slicing a plane through its thickest part and enclosing the resulting advertising device section in a square or rectangle; and
 - (ii) the total face area in such a case is twice the area of the resulting square or rectangle.

fence sign means an advertising device painted onto or fixed to a fence.

flag sign means an advertising device made from flexible material which displays commercial advertising and is hung from a freestanding pole.

food and drink outlet has the meaning given in the local government's planning scheme.

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

footpath sign means an advertising device which is portable, freestanding, typically supported by an "A" or inverted "T" frame and placed on a footpath on a public road.

freestanding sign means an advertising device that is self-supporting.

gable sign means an advertising device that is painted onto or fixed to a gable.

garage sale sign means an advertising device that advertises a garage sale at a dwelling.

ground level, in relation to an advertising device, means ground level directly adjacent to the advertising device.

hamper sign means an advertising device mounted above a window or door head.

hoarding has the meaning given in the *Work Health and Safety Regulation 2011*.

hoarding sign means an advertising device which is fixed to temporary hoarding and advertises a current approved development.

home based business sign means an advertising device that advertises the services provided by a lawfully established home based business activity.

indoor sport and recreation has the meaning given in the local government's planning scheme.

industry area means premises within a low impact industry zone, medium impact industry zone, high impact industry zone, waterfront and marine industry zone, extractive industry zone, and any land or precinct that most closely reflects any of the aforementioned zones as defined and mapped in the local government's planning scheme.

inflatable sign means an advertising device which is inflated by air or a substance that is lighter than air and is fixed to, or placed on, premises.

lawful use has the meaning given in the *Sustainable Planning Act 2009*.

menu stand sign means an advertising device that displays a menu and may include the business name.

mobile sign means an advertising device that is a lightweight, portable, freestanding sign or sign with wheels displayed on private property, but does not include a trailer mounted sign.

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

Mudgeeraba Village Character Area means each of the area identified as "Village Heart" and the area identified as "Outer Village" on the Mudgeeraba Village Character Area Map and the roads adjoining those areas.

Mudgeeraba Village Character Area criteria, see Schedule 2.

Mudgeeraba Village Character Area Map means the map titled "Mudgeeraba Village Character Area Map" in Schedule 1 of this subordinate local law.

multiple dwelling has the meaning given in the local government's planning scheme.

non-urban area means premises within a conservation zone, emerging community zone, limited development (constrained land) zone, rural zone, rural residential zone, special purpose zone, township zone, and any land or precinct that most closely reflects any of the aforementioned zones as defined and mapped in the local government's planning scheme.

official traffic sign means a sign, marking, light or device placed or erected to regulate, warn or guide traffic that is an official traffic sign under the *Transport Operations (Road Use Management) Act 1995*.

outdoor sport and recreation has the meaning given in the local government's planning scheme.

parapet fascia sign means an advertising device that is painted on, or fixed to, a parapet.

planning scheme has the meaning given in the *Sustainable Planning Act 2009*.

premises —

- (a) has the meaning given in *Local Law No. 16 (Licensing) 2008*; but
- (b) includes any premises on which an advertising device is or is proposed to be displayed; and
- (c) may include the whole or part of 1 lot or more than 1 lot if each of the lots is contiguous.

projected image sign means an advertising device that is projected onto a display surface as a static or animated image and includes a hologram.

projecting sign means an advertising device that has a vertical orientation and projects at right angles from a building wall or similar structure.

public place means—

- (a) a road; or
- (b) trust land; or
- (c) a park or reserve as defined in *Local Law No. 9 (Parks and Reserves) 2008*; or
- (d) a bathing reserve as defined in *Local Law No. 10 (Bathing Reserves) 2004*; or
- (e) premises of which the local government is the owner or occupier; or
- (f) premises which are managed or controlled by the local

government; or

- (g) waterway area; or
- (h) railway; or
- (i) light rail.

public utility has the meaning given in the local government's planning scheme.

pylon sign means an advertising device with a display surface with a height greater than the width and which is positioned on the ground or mounted on 1 or more vertical supports.

real estate agent has the meaning given in the *Property Occupations Act 2014*.

real estate development sign means an advertising device that is situated on a new real estate development site and provides real estate information to the public.

real estate directional sign means an advertising device that is used by a real estate agent or vendor for the purpose of directing people to premises that are being offered for sale or lease.

real estate directional development sign means an advertising device that is situated off-site and provides directional information to the public about a new real estate development site.

real estate vendor sign means an advertising device that is used by a real estate agent or vendor for any purpose connected with the sale or lease of premises.

recognised themed precinct means a precinct within which business groups and the community come together and collectively celebrate their culture, for example, Southport's China Town which has been approved by the local government by resolution.

referendum means a referendum as defined under the *Referendums Act 1997* or the *Referendum (Machinery Provisions) Act 1984 (Cth)*.

reserve means land which is placed under the control of the local government pursuant to legislation.

roadside dining furniture sign means an advertising device displayed on dining furniture, such as umbrellas, screens and windbreaks, on the footpath or visible from a public place.

roof sign means an advertising device which is painted on or fixed to the roof of a building.

school means a school that is not a State school.

security sign means an advertising device that warns the public about a security system and/or an electrified fence or other security feature on premises.

shop has the meaning given in the local government's planning scheme.

sign see advertising device.

stand-alone sign means a smaller self-supporting advertising device that—

- (a) does not fit within the definition of any other advertising device; and
- (b) has a height of not more than 2m above ground level; and
- (c) has a face area of not more than 5m².

street frontage—

- (a) means the boundary between premises and a road; and
- (b) if the premises abut more than 1 road, the street frontage is the boundary between the premises and the road to which any building on the premises fronts.

suburban area means premises within a low density residential zone, medium density residential zone, high density residential zone, sport and recreation zone, open space zone, community facilities zone, and any land or precinct that most closely reflects any of the aforementioned zones as defined and mapped in the local government's planning scheme.

temporary banner sign means an advertising device that advertises a short term event such as a fete, fair or other similar event.

temporary promotional sign means an advertising device displayed for no longer than 28 days and used to promote a non-profit or community event.

tenant menu sign, for premises, means an advertising device that is designed to provide an equal opportunity for all tenants of the premises to advertise.

third party advertising device means an advertising device that advertises a product, service or thing not available at the premises where the advertising device is displayed.

tourism directional sign means an advertising device that is located off-site on private freehold land and identifies a tourist destination.

tourist attraction has the meaning given in the local government's planning scheme.

tourist shop has the meaning given in the local government's planning scheme.

trade works sign—

- (a) means an advertising device that advertises trade work or construction work that is being carried out on the premises on which the advertising device is displayed; but
- (b) a trade works sign is not a sign that is required to be displayed under another Act.

trailer means a vehicle that is built to be towed, or is towed, by a motor vehicle, but does not include a motor vehicle being towed.

trust land means land dedicated as a reserve or granted in trust under the *Land Act 1994* and for which the local government is the trustee under the *Land Act 1994*.

under-awning sign means an advertising device suspended beneath an awning, veranda or similar structure.

vertical banner sign means an advertising device constructed of flexible material and suspended between 2 solid brackets at the top and bottom of the sign face with the brackets fixed to a freestanding pole.

village see Schedule 2, section 3.

wall sign means an advertising device painted on, or fixed to, a wall.

waterway area has the meaning given in *Local Law No. 17 (Maintenance of Works in Waterway Areas) 2013*.

window sign means an advertising device that is painted on or fixed to a glazed area, or displayed behind a glazed area so as to be visible from a public place.

zone means the preferred or acceptable land use category as defined and mapped in the local government's planning scheme.