

**Subordinate Local Law No. 16.8
(Advertisement) 2008**

Consolidated version

Reprint No. 1

REPEALED - (GAZETTE 30/9/16)

This and the following 18 pages is a certified copy of the CONSOLIDATED VERSION of
Subordinate Local Law No. 16.8 (Advertisement) 2008
made in accordance with the provisions of the *Local Government Act 2009*,
by the Council of the City of Gold Coast by resolution dated 4 April 2014

Dale Dickson
Chief Executive Officer

**Council of the City of Gold Coast
Subordinate Local Law No. 16.8
(Advertisement) 2008**

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Council of the City of Gold Coast Subordinate Local Law No. 16.8 (Advertisement) 2008

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 16.8 (Advertisement) 2008*.

2 Authorising local law

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

3 Object

The object of this subordinate local law is to assist in the implementation of *Local Law No. 16 (Licensing) 2008* by ensuring that an advertisement—

- (a) is exhibited and maintained to essential standards of public safety; and
- (b) complements, or at least does not unreasonably detract from, the desirable characteristics of the natural and built environment in which the advertisement is exhibited.

4 Definitions

The dictionary in the Schedule (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*, an advertisement must comply with the following prescribed criteria—

- (a) The advertisement must not constitute a nuisance under *Local Law No. 8 (Public Health, Safety and Amenity) 2008*.
- (b) The advertisement must be positioned on the premises so as not to result in a loss of amenity¹ in the neighbourhood.

¹ The content and appearance of the advertisement would be considered in terms of the impact of the activity on the amenity.

- (c) The advertisement must not be exhibited on a parked vehicle, caravan or trailer if, in the opinion of the authorised officer it is being used for the dominant or primary purpose of advertising.
- (d) The exhibition of the advertisement does not in the opinion of the authorised officer adversely affect the amenity of the area in which it is to be situated.
- (e) The advertisement must not in the opinion of the authorised officer constitute a risk to road safety or the safety of pedestrians.
- (f) The advertisement must be consistent in colour and appearance with buildings, the streetscape and the natural features of the environment in which it is to be exhibited.
- (g) The advertisement may be worded in any language provided that there is a minimum proportion of 80% of the area of the wording and the size of the characters that are in the English language on any face.
- (h) The advertisement must not detrimentally affect the following—
 - (i) the outlook from a dwelling; and
 - (ii) the light levels entering a dwelling; and
 - (iii) access to and from a dwelling.
- (i) The advertisement must be in good order and repair.

Example of paragraph (e)—

The advertisement must not—

- resemble an official traffic sign; or
- impede the access of emergency service vehicles or personnel.

6 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 exhibition of an advertisement if the advertisement is an exempt advertisement.
- (2) An advertisement is an exempt advertisement if the advertisement—
 - (a) is an advertising device as defined in the local government's planning scheme and is self assessable development in the table of development for the relevant domain or local area plan area in which the advertising device is proposed to be located by virtue of its type, size, location and visibility from a State controlled road; or
 - (b) is a real estate vendor sign, that is advertising the property on which the subject sign is exhibited and which—

- (i) complies with provisions of the local government's planning scheme; and
 - (ii) is erected for a maximum period of six months; and
 - (iii) has, on any face, content which directly relates only to the property on which it is situated to a minimum proportion of 80% of the sign area of the wording with the balance proportion able to be utilised only for content that relates to the name, logo and telephone number of the real estate agent or the real estate agent's business; and
 - (iv) can constitute more than one device provided that the total area of all devices on a property does not exceed the maximum face area permitted for that property; and
 - (v) does not exceed a maximum face area of—
 - (A) for a detached dwelling, 2.2m²; and
 - (B) for an attached dwelling, 1.1m²; and
 - (C) for an apartment, 4.5m² or if there is more than one real estate vendor sign erected on that property, 1m² per sign for multiple apartments; and
 - (D) for a property in the Rural, Integrated Business, Local Business, Fringe Business, Industry 1 (high impact), Industry 2 (low impact), Extractive Industry or Marine Industry Domains, 4.5m² or if there is more than 1 real estate vendor sign erected on that property, 1m² per sign; and
 - (E) for all other property, 2.2m²; and
 - (vi) is not illuminated; or
- (c) is a real estate directional sign exhibited on a public place and used by a real estate agent to advertise a single open house inspection which—
- (i) has a maximum of two faces that are back to back; and
 - (ii) has a maximum single face area of 0.3m²; and
 - (iii) is a freestanding sign; and
 - (iv) does not interfere with pedestrian or vehicle movement and does not encroach over the kerb toward the carriageway; and
 - (v) is not erected on a median strip, roundabout, local government owned or controlled park or reserve or foreshore; and

- (vi) is not attached to or obscuring any official traffic sign; and
 - (vii) is displayed for the period of time which is specified on the sign to a maximum period of one hour (not including the time the sign 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 sign); and
 - (viii) is the only sign erected at an intersection by the real estate agent or in the case of a divided road, is one of only two signs erected on diagonally opposite corners of an intersection by the real estate agent; and
 - (ix) is erected by a real estate agent who is in attendance at the open house inspection to which the sign relates; and
 - (x) is one of a maximum of four real estate directional signs on any combination of public places for that single open house inspection; and
 - (xi) is erected at a location where the occupier of the adjoining premises does not object to the real estate directional sign being erected at that location; or
- (d) is an inflatable sign—
- (i) which is erected for no longer than 28 days in a six month period; and
 - (ii) which, other than an inflatable sign filled with cold air, is only used during daylight hours; and
 - (iii) which is located to ensure that the inflatable sign does not interfere with any public utility; and
 - (iv) which has a written confirmation regarding the security of the anchoring of the device by a suitably qualified engineer; and
 - (v) in respect of which the person operating the advertisement holds a broadform public liability insurance policy on those terms and conditions as regulated by the local government from time to time; and
 - (vi) which is inflated using only a non-flammable and non-toxic gas; and
 - (vii) which is not exhibited on a public place; and
 - (viii) which is the only inflatable sign on the premises; and
 - (ix) which does not exceed 10 metres from ground level; or

- (e) is a menu stand sign which—
- (i) has a maximum total height of 1.5 metres; and
 - (ii) is not illuminated; and
 - (iii) has only one face with a maximum total face area of 1.0m²; and
 - (iv) does not display any other advertising; and
 - (v) is the only menu stand sign for a business; and
 - (vi) is self-supporting; and
 - (vii) is located within an area currently authorised for roadside dining under *Local Law No. 11 (Roads and Malls) 2008*, or on private property; or
- (f) a changeable menu sign which—
- (i) is located within an area currently authorised for roadside dining under *Local Law No. 11 (Roads and Malls) 2008*, or on private property; and
 - (ii) is higher than it is wide; and
 - (iii) is self-supporting; and
 - (iv) has a maximum two faces per business; and
 - (v) has a maximum single face area of 0.75m²; and
 - (vi) is not illuminated; or
- (g) is a garage sale sign which—
- (i) is a freestanding sign; and
 - (ii) is self-supporting; and
 - (iii) is not attached to trees or any roadside structures; and
 - (iv) has a maximum face area of 600mm by 500mm; and
 - (v) has a maximum of two faces that are back to back; and
 - (vi) is erected within two kilometres of the garage sale which it advertises; and
 - (vii) is limited to a maximum of four for each garage sale; and

- (viii) is erected on the weekend of the garage sale between the hours of 7.00 am on Saturday and 7.00 pm on Sunday; and
- (ix) relates to no more than two garage sales per property within a 12 month period; or
- (h) is a business promotional banner which—
 - (i) is exhibited for no longer than a four week period within a 12 month period; and
 - (ii) has a single face with an area of no more than 5m²; and
 - (iii) is not exhibited on—
 - (A) a public place; or
 - (B) an existing advertising device; or
- (i) is a sign which—
 - (i) relates to a permitted activity under *Local Law No. 7 (Council Property and Other Public Places) 2008*, *Local Law No. 9 (Parks and Reserves) 2008* and *Local Law No. 11 (Roads and Malls) 2008*; and
 - (ii) has a maximum single face area of 0.75m²; and
 - (iii) is portable, freestanding and typically supported by an “A” or inverted “T” frame; or
- (j) is a roadside dining furniture sign that is not a transparent screen or a transparent windbreak which —
 - (i) has on a single face area, content to a maximum proportion of 25% of the face area but not exceeding 2m²;² and
 - (ii) has on any face area, content, other than menu items or prices, which relates to the business conducted on the property on which it is situated; and
 - (iii) is not illuminated; or
- (k) is a footway sign which—
 - (i) is exhibited only on a footway; and

² 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.

- (ii) only promotes a business on premises that directly abuts the part of the footway on which the sign is located and has, on its faces, content that relates only to that business; and
- (iii) is the only footway sign on a public place advertising the business immediately adjacent to the sign; and
- (iv) has a maximum of two faces; and
- (v) has a maximum single face area of 0.6m², including any frame work and the height of the sign must be greater than the width; and
- (vi) is of sufficient weight so as not to move in strong winds; and
- (vii) is not illuminated; and
- (viii) is not —
 - (A) mounted on a vehicle; and
 - (B) attached to any street furniture; and
 - (C) attached to or obscuring any official sign; and
 - (D) displayed outside the hours of operation of the business; and
- (ix) must be positioned—
 - (A) no less than 500mm from the edge of the kerb; and
 - (B) so as to maintain a minimum two metre clearway for pedestrian traffic; and
 - (C) within seven metres of the business that the sign is advertising; and
 - (D) between the side boundaries of the business that the sign is advertising; and
 - (E) within the footway and must not overhang any part of the carriageway or parking lanes; or
- (l) is an election sign that is on land that is not on a public place and is exhibited during an election period.

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 exhibition of an advertisement 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 at which the advertisement will be exhibited; and
- (b) the name, street address, telephone number, facsimile number and email address of the person exhibiting the advertisement; 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 advertisement is to be exhibited; and
- (d) details of the exhibition of the advertisement including—
 - (i) its content, design, dimensions and construction; and
 - (ii) when, where and how the advertisement is to be exhibited; and
- (e) a site plan to scale of the exhibition of the advertisement; and
- (f) where the applicant is not the owner of the premises at which the advertisement is to be exhibited, the consent of the owner of the premises; and
- (g) copies of any development approval required for the erection of the advertisement; and
- (h) an image of the advertisement to be exhibited.

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 exhibition of the advertisement if satisfied that the exhibition of the advertisement complies with the following assessment criteria—

- (a) The exhibition of the advertisement can be lawfully conducted on the premises.
- (b) The advertisement is structurally sound.
- (c) The exhibition of the advertisement will not cause obstruction of or significant distraction to vehicular or pedestrian traffic.
- (d) The advertisement is consistent, in colour and appearance, with the current buildings, streetscape and natural features of the environment in which it is to be situated.³

³ The proposed advertisement must be consistent with the current features of the environment in which it is to be situated at the time that the application for a licence or the renewal of a licence is made.

- (e) The exhibition of the advertisement will not adversely affect the amenity of the area in which it is to be situated.
- (f) The exhibition of the advertisement will not significantly obstruct a view or vista.
- (g) The advertisement has been constructed in accordance with the planning scheme and any relevant development approval.
- (h) The advertisement will enhance the amenity of the neighbourhood.
- (i) The advertisement will promote the accessibility of the local government area to tourists.
- (j) The advertisement will reduce the potential risk to road safety.
- (k) The exhibition of an advertisement on an inflatable sign or a banner other than a vertical banner will not be a permanent advertisement.
- (l) The exhibition of an advertisement will relate to the lawful use conducted on the premises on which the advertisement is exhibited.
- (m) A temporary promotional sign will—
 - (i) be limited to four devices per event; and
 - (ii) have a maximum of two faces back to back; and
 - (iii) have a maximum single face area of 600mm by 500mm each; and
 - (iv) promote a non-profit or community event.
- (n) A third party advertisement—
 - (i) is to be exhibited only where the majority of the other advertisements exhibited on the same premises are for purposes that directly benefit the local community; and
 - (ii) will promote a major tourist attraction; and
 - (iii) will be a significant symbol and will enhance the image and identity of the area in which it is situated; and
 - (iv) will have a maximum single face area of 42.5m⁴; and
 - (v) will have a maximum angle between faces of 45°; and

⁴ The face area of a rotating sign is calculated as 50% of the combined area of all of the faces.

(vi) will be the only third party advertisement situated within a one kilometre radius.

(o) An advertisement that is exhibited on land used for a sporting club will—

(i) where the advertisement is exhibited on a club house be—

(A) of reasonable size in proportion to the club house to which it is attached; and

(B) uniform in size, shape and form with other advertisements exhibited on the club house; and

(C) arranged with other advertisements exhibited on the club house in a balanced and consistent manner and will not dominate the building or area; and

(ii) where the advertisement is a freestanding sign be—

(A) of reasonable size in proportion to the area in which it is to be erected; and

(B) uniform in size, shape and form with other advertisements exhibited on land used for the sporting club; and

(C) arranged with other advertisements exhibited on the land in a balanced and consistent manner and will not dominate the building or area; and

(iii) have 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 nor is it a licensed premises pursuant to the *Liquor Act 1992*; and

(C) the advertisement is to be placed on an existing fence; and

(iv) where the advertisement is to be placed on an existing fence, the advertisement is to—

(A) face inwards to the field/playing area; and

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- (B) be uniform in size, shape and form with other advertisements exhibited on the land used for the sporting club; and
 - (C) be painted on the rear with a colour approved by the local government.
- (p) An advertisement on school grounds will provide a significant benefit to the school.
- (q) An advertisement which relates to an activity being undertaken by the members of a religious organisation that is exhibited on private property owned by the religious organisation—
- (i) will provide a significant benefit to members of the religious organisation; or
 - (ii) will be for an activity, the revenue from which, will be used for a bona fide charitable purpose for the benefit of the community.
- (r) An advertisement for a non-profit organisation that is not a sporting club, school or religious organisation, will be assessed against the principles provided in sub-sections (q), (r) and (s) where applicable.
- (s) A real estate directional sign will not be exhibited on a public place except where the local government is satisfied there is no other suitable location for the exhibition of the real estate directional sign.

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 advertisement⁵—

- (a) The advertisement must be constructed out of materials approved by the local government.
- (b) The advertisement must comply with—
 - (i) any relevant development approval; and
 - (ii) the provisions of the planning scheme and any relevant planning scheme policy.
- (c) The advertisement must be maintained in good order and repair.

⁵ 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.

- (d) The exhibition of the advertisement must not constitute a nuisance under *Local Law No. 8 (Public Health, Safety and Amenity) 2008*.
- (e) The advertisement must be positioned on the premises so as not to constitute a risk to road safety.
- (f) The advertisement must not be exhibited on a public place.
- (g) Where the advertisement is illuminated, the advertisement must be connected to an electrical supply by a licensed electrician and must comply with the relevant standards.
- (h) Any premises, building or structure which is part of the exhibition of the advertisement must have been constructed in accordance with the requirements of the *Sustainable Planning Act 2009* and the *Building Act 1975*.
- (i) Any premises, building, structure, facility or equipment which is part of the exhibition of the advertisement must not be changed in any respect without the prior notification of the local government and approval of an authorised person.
- (j) A banner must have a maximum dimension of five metres in length and one metre in height.
- (k) The owner of a footway sign that is exhibited on a footway must hold a broadform public liability insurance policy on those terms and conditions as regulated by the local government from time to time.
- (l) Vacant land in a residential dwelling area upon which a real estate development sign is erected, must be mown on a monthly basis and be generally maintained to a high standard.

10 Transfer of a licence

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

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 exhibited on a public place and the advertising device—
 - (i) is not an exempt advertisement; and
 - (ii) is exhibited without a licence issued pursuant to section 5(1) of *Local Law No. 16 (Licensing) 2008*; or

- (b) is exhibited 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*.

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Schedule Dictionary

section 4

advertising device means a device for advertising.

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

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

business promotional banner means a banner used for the promotion of a business.

changeable menu sign means an advertisement that may display a changeable menu on a footway.

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

dwelling means a building actually or predominantly used by a person for a residential purpose.

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 advertisement that promotes, displays advice 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 advertisement has the meaning given in section 6(2) of this subordinate local law.

footway sign means an advertisement which is portable, freestanding, typically supported by an “A” or inverted “T” frame and exhibited on a footway.

freestanding sign means a sign which is—

- (a) erected on a pole or poles or on a pylon structure; or
- (b) a solid, freestanding structure.

inflatable sign means an advertisement which is inflated by air or a substance that is lighter than air and is attached to or located on premises.

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

permitted banner site means a site designated by the local government as appropriate for the erection of a temporary banner and is specified on a public register of permitted banner sites maintained by the local government.

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

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

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 Reserve) 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.

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

real estate agent has the meaning given in the *Property Agents and Motor Dealers Act 2000*.

real estate development sign means an advertisement that—

- (a) is used to identify and promote a new development; and
- (b) may include directional and descriptive advice relating to the development; and

(c) is exhibited for no longer than 12 months.

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

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

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 the advertisement displayed on dining furniture, such as umbrellas, screens and windbreaks on the footway or visible from a public place.

temporary promotional sign means an advertisement exhibited for no longer than 28 days and used to promote a specific event.

third party advertisement means a sign that advertises a product, service or thing not available at the site where the sign is located.

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*.

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