

# Gold Coast City Council



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

It is hereby certified that this is a true and correct copy of  
*Subordinate Local Law No. 16.8 (Advertisement) 2008* made, in accordance with the  
*Local Government Act 1993*, by the Council of the City of Gold Coast  
Joe McCabe  
Acting Chief Executive Officer

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

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## **Gold Coast City Council 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 amenity<sup>1</sup> in the neighbourhood.

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<sup>1</sup> 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 vehicle, caravan or trailer, except where the advertisement is exhibited on the vehicle, caravan or trailer for the genuine identification of a business and the vehicle, caravan or trailer is used for business purposes.
- (d) The exhibition of the advertisement does not adversely affect the amenity of the area in which it is to be situated.
- (e) The advertisement must not 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 (d)—*

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(3) (Requirement for a licence) 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 advertisement that does not require a development permit under the local government's planning scheme; or
  - (b) is a real estate sign that is not a real estate development sign, which—

- (i) if exhibited on the property which is advertised for sale on the real estate sign—
  - (A) complies with provisions of the local government’s planning scheme; and
  - (B) is erected for a maximum period of 6 months; and
  - (C) has, on any face, content that relates only to the property on which it is situated to a minimum proportion of 80% of the area of the wording; and
  - (D) has, on any face, content that relates only to the name, logo and telephone number of the real estate agent or the real estate agent’s business; and
  - (E) 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
  - (F) does not exceed a maximum face area of—
    - (I) for a detached dwelling, 2.2m<sup>2</sup>; and
    - (II) for an attached dwelling, 1.1m<sup>2</sup>; and
    - (III) for an apartment, 4.5m<sup>2</sup> or if there is more than 1 real estate sign erected on that property, 0.54m<sup>2</sup> per sign where the building comprises up to 10 apartments or 1m<sup>2</sup> per sign where the building comprises more than 10 apartments; and
    - (IV) 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, 4.5m<sup>2</sup> or if there is more than 1 real estate sign erected on that property, 0.54m<sup>2</sup> per sign; and
    - (V) for all other property, 2.2m<sup>2</sup>.
  - (G) is not illuminated; or
- (ii) if exhibited on a public place and used by a real estate agent to advertise an open house inspection—
  - (A) has a maximum of 2 faces that are back to back; and

- (B) has a maximum single face area of 0.3m<sup>2</sup>; and
  - (C) is a freestanding sign; and
  - (D) does not interfere with pedestrian or vehicle movement and does not encroach over the kerb toward the carriageway; and
  - (E) is not erected on a median strip, roundabout, local government owned or controlled park or reserve or foreshore; and
  - (F) is not attached to or obscuring any official traffic sign; and
  - (G) is displayed for the period of time which is specified on the sign to a maximum period of 1 hour; and
  - (H) 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
  - (I) is erected by a real estate agent who is in attendance at the open house inspection to which the sign relates; or
- (c) is an inflatable sign—
- (i) which is erected for no longer than 28 days; 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 public liability insurance policy for \$10 million or another amount specified by the local government which notes the local government's interest as an insured party; and
  - (vi) which is inflated using only a non-flammable and non-toxic gas; or
- (d) is a menu stand sign which—
- (i) has a maximum total height of 1.5 metres; and

- (ii) has only one face; and
  - (iii) has a face with a maximum total area of 0.2m<sup>2</sup>; and
  - (iv) is the only menu stand sign for a business; or
- (e) 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 450mm; and
  - (v) has a maximum of 2 faces that are back to back; and
  - (vi) is erected within 2km 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
- (f) is a business promotional banner which—
- (i) is exhibited for no longer than a 2 week period; and
  - (ii) has a single face with an area of no more than 5m<sup>2</sup>; and
  - (iii) is not exhibited on—
    - (A) a public place; or
    - (B) an existing advertising device; or
- (g) is a footway 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 0.75m<sup>2</sup>.
- (h) is a footway dining furniture sign that is not a transparent screen or a transparent windbreak which has—

- (i) on a single face area, content to a maximum proportion of 25% of the face area but not exceeding 2m<sup>2</sup>; and
  - (ii) 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.
- (3) An advertisement that is a real estate sign that is an exempt advertisement will cease to be an exempt advertisement where the real estate sign is erected at a location where the occupier of the adjoining premises objects to the real estate sign being erected at that location.

## **7 Application for a licence**

For the purposes of section 6(1)(c)(iv) (Application for a licence) 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) (Deciding application for a licence) 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.<sup>2</sup>
- (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 4 devices per event; and
  - (ii) have a maximum of 2 faces back to back; and
  - (iii) have a maximum single face area of 600mm by 450mm each; and

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<sup>2</sup> 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.

- (iv) will promote a non-profit or community event.
- (n) An advertisement on a park will—
  - (i) relate 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 the park; or
    - (C) an activity otherwise approved by the local government; and
  - (ii) be exhibited on a permitted banner site or other device approved by the local government for use on a park; and
  - (iii) be exhibited by an entity which is recognized by the Australian Taxation Office as a non-profit, charity or health promotion organisation or public benevolent institution.
- (o) 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 42.5m<sup>3</sup>; and
  - (v) will have a maximum angle between faces of 45°; and
  - (vi) will be the only third party advertisement situated within a 1 kilometre radius.
- (p) A footway sign—
  - (i) will be exhibited only on a footway; and

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<sup>3</sup> The face area of a rotating sign is calculated as 50% of the combined area of all of the faces.

- (ii) will only promote a business that directly abuts a footway and will have, on its faces, content that relates only to the business immediately adjacent to the sign; and
  - (iii) will be the only footway sign on a public place advertising the business immediately adjacent to the sign; and
  - (iv) will have a maximum of two faces; and
  - (v) will have a maximum single face area of 0.75m<sup>2</sup>, including any frame work and the height of the sign must be greater than the width; and
  - (vi) will be of sufficient weight so as not to move in strong winds; and
  - (vii) will not be illuminated; and
  - (viii) will not be—
    - (A) mounted on a vehicle; or
    - (B) attached to any street furniture; or
    - (C) attached to or obscuring any official traffic sign.
- (q) 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*.
- (r) An advertisement on school grounds will provide a significant benefit to the school.
- (s) 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.
- (t) 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.
- (u) A real estate 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 sign.
- (v) An election sign will –
  - (i) be erected at a polling place by a candidate only on an election day that –
    - (A) is the only election sign erected by that candidate at that polling place; and
    - (B) has a maximum of 2 faces that are back to back; and
    - (C) has a maximum single face area of 1.5m<sup>2</sup>; or
  - (ii) is erected at the nominated campaign office by a candidate that –

- (A) for Divisional candidates, is the only election sign erected by that candidate at the campaign office; and
- (B) for Mayoralty candidates, is one of 2 only election signs erected by that candidate at the campaign office; and
- (C) has a maximum face area of 5m<sup>2</sup>; and
- (D) is only exhibited from the date that a call for nominations for candidates for an election is made until no longer than 7 days after the date of the election.

## 9 Conditions of a licence

For the purposes of section 9(3) (Conditions of a licence) of *Local Law No. 16 (Licensing) 2008*, the local government may impose all or any of the following conditions on a licence for an advertisement<sup>4</sup>—

- (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.
- (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.

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<sup>4</sup> This section prescribes, for the purposes of section 9(3) (Conditions of a licence) 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) (Conditions of a licence) of *Local Law No. 16 (Licensing) 2008*, grant a licence on any conditions the local government considers appropriate.

- (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 *Integrated Planning Act 1997* 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 5 metres in length and 1 metre in height.
- (k) A footway sign must be positioned—
  - (i) no less than 500mm from the edge of the kerb; and
  - (ii) so as to maintain a minimum 2 metre clearway for pedestrian traffic; and
  - (iii) within 7 metres of the business that the sign is advertising; and
  - (iv) between the side boundaries of the business that the sign is advertising; and
  - (v) within the footway and must not overhang any part of the carriageway or parking lanes.
- (l) The owner of a footway sign that is exhibited on a footway must hold a public liability insurance policy for an amount specified by the local government in respect of the exhibiting of the footway sign, which notes the local government's interest as an insured party.
- (m) 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) (Amendment or transfer of a licence) of *Local Law No. 16 (Licensing) 2008*, a licence for a real estate development sign can not be transferred.

## 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.

**development approval** has the meaning given in the *Integrated Planning Act 1997*.

**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 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) (Requirement for a licence) of this subordinate local law.

**footway 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.

**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.

***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 *Integrated Planning Act 1997*.

***planning scheme policy*** has the meaning given in the *Integrated Planning Act 1997*.

***public place*** means—

- (a) a road; or
- (b) trust land; or
- (c) a reserve; or
- (d) premises of which the local government is the owner or occupier.

***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 sign*** means an advertisement that is used by a real estate agent for any purpose connected with the business of a real estate agent.

***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.

***sporting field sign*** means an advertisement painted or otherwise attached to the inwards side of the perimeter fencing surrounding a sporting field.

***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*.