



## Noosa Shire Council

# Administration (Amendment) Local Law (No. 1) 2019

This and the preceding 4 pages bearing my initials is a certified copy of Administration (Amendment) Local Law No. 1 adopted in accordance with the provisions of the Local Government Act 2009 by Noosa Council by resolution dated 19<sup>th</sup> the day of December 2019.

A handwritten signature in black ink, appearing to read 'Brett de Chastel', is written over a faint, light green circular watermark.

Brett de Chastel  
Chief Executive Officer  
Noosa Council

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# Noosa Shire Council Administration (Amendment) Local Law (No. 1) 2019

## Part 1 Preliminary

### 1. Short title

This local law may be cited as *Administration (Amendment) Local Law (No. 1) 2019*.

### 2. Purpose

The purpose of this local law is to amend *Noosa Shire Council Local Law No. 1 (Administration) 2015*.

## Part 2 Amendment of local law

### 3. Local law amended

This part amends *Noosa Shire Council Local Law No. 1 (Administration) 2015*.

### 4. Amendment of s6 (Offence to undertake local law prescribed activity without approval)

- (1) Section 6, heading —

*omit, insert—*

**‘Offence to undertake prescribed activity subject to approval requirement or prohibition’.**

- (2) Section 6(2), ‘A’—

*omit, insert—*

‘Subject to subsections (3) and (5), a’.

- (3) Section 6(3), ‘However, a’—

*omit, insert—*

‘A’.

- (4) After section 6(4) —

*insert—*

‘(5) A local government may, by subordinate local law, prohibit the undertaking of the prescribed activity of the installation of advertising devices or a particular activity that is within the category of the prescribed activity of the installation of advertising devices.

(6) A person must not undertake the prescribed activity of the installation of advertising devices in contravention of a prohibition under subsection (5).

Maximum penalty for subsection (6) —

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- (a) if the contravention relates to an advertising device other than a temporary advertising device — 50 penalty units;
  - (b) if the contravention relates to a temporary advertising device — 20 penalty units.
- (7) In this section —

*temporary advertising device* has the meaning given in *Subordinate Local Law No. 1 (Administration) 2015*, schedule 10.’.

## 5. Amendment of s38 (Subordinate local laws)

After section 38(b)—

insert—

- ‘(ba) a prohibition on the undertaking of the prescribed activity of the installation of advertising devices<sup>20A</sup>; and’.

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.....  
Chief Executive Officer

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<sup>20A</sup> See section 6(5).

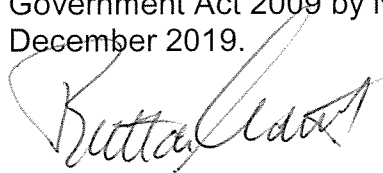




# Noosa Shire Council

## **Administration and Other Subordinate Local Law (Amendment) Subordinate Local Law (No. 1) 2019**

This and the preceding 4 pages bearing my initials is a certified copy of Administration and Other Subordinate Local Law (Amendment) Subordinate Local Law (No. 1) 2019 adopted in accordance with the provisions of the Local Government Act 2009 by Noosa Council by resolution dated 19th the day of December 2019.

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Brett de Chastel  
Chief Executive Officer  
Noosa Council

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# **Noosa Shire Council Administration and Other Subordinate Local Law (Amendment) Subordinate Local Law (No. 1) 2019**

## **Part 1 Preliminary**

### **1 Short title**

This subordinate local law may be cited as *Administration and Other Subordinate Local Law (Amendment) Subordinate Local Law (No. 1) 2019*.

### **2 Purpose**

The purpose of this subordinate local law is to amend each of—

- (a) *Subordinate Local Law No 1 (Administration) 2015*; and
- (b) *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015*.

### **3 Authorising local law**

The making of the provisions of this subordinate local law is authorised by local laws as follows—

- (a) *Noosa Shire Council Local Law No. 1 (Administration) 2015* authorises the making of part 2;
- (b) *Noosa Shire Council Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015* authorises the making of part 3;
- (c) *Noosa Shire Council Local Law No. 1 (Administration) 2015* authorises the making of part 4.

## **Part 2 Amendment of Subordinate Local Law No. 1 (Administration) 2015**

### **4 Subordinate local law amended**

This part amends *Subordinate Local Law No. 1 (Administration) 2015*.

### **5 Amendment of s11 (Matters regarding prescribed activities — Authorising local law, s6(3), 8(2)(a), 9(1)(d), 10(3), 13(a), 14(1)(a))**

After section 11(9)—

*insert—*

‘(10) However, and for the avoidance of doubt—

- (a) this section does not prescribe matters for the prescribed activity of the



installation of advertising devices; and

- (b) section 12, and schedule 10, prescribe matters for the prescribed activity of the installation of advertising devices.’

## 6 Insertion of new s12

After section 11—

*insert—*

### ‘12 **Matters regarding prescribed activity of installation of advertising devices— Authorising local law, s6(3) and (5), 8(2)(a), (8) and (9), 9(1)(d), 10(3), 13(a), 14(1)(a)**

- (1) For the prescribed activity of the installation of advertising devices, schedule 10 prescribes the matters specified in this section for the prescribed activity.
- (2) For section 6(3) of the authorising local law it is declared that section 6(2) of the authorising local law does not apply to the activity stated in section 2 of schedule 10, and in particular, the installation of an advertising device if—
  - (a) the advertising device is a self-assessable advertising device; and
  - (b) the undertaking of the prescribed activity, and in particular, the installation of the self-assessable advertising device, complies with—
    - (i) if the self-assessable advertising device is a temporary advertising device—the specific criteria and conditions for the self-assessable advertising device in section 3 of schedule 10; and
    - (ii) if the self-assessable advertising device is a permanent advertising device—the specific criteria and conditions for the self-assessable advertising device in section 4 of schedule 10; and
    - (iii) the general criteria and conditions for the installation, erection and display of advertising devices in section 5 of schedule 10.
- (3) For the avoidance of doubt—
  - (a) section 6(2) of the authorising local law applies to the installation of an advertising device if the advertising device is an approval required advertising device and the undertaking of the prescribed activity commences after the commencement of *Administration and Other Subordinate Local Law (Amendment) Subordinate Local Law (No. 1) 2019*; and
  - (b) for section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the activity stated in section 2 of schedule 10, and in particular, the installation of an advertising device if—
    - (i) the advertising device is an approval required advertising device; and
    - (ii) immediately before the commencement of *Administration and Other Subordinate Local Law (Amendment) Subordinate Local Law (No. 1) 2019*, the installation, erection and display of the advertising device—
      - (A) was authorised by a development approval and the prescribed activity was undertaken in compliance with the conditions of the development approval; or

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- (B) complied with all applicable assessment benchmarks for assessable development in the planning scheme of the local government; or
  - (C) was authorised by an approval granted under *Noosa Shire Council Local Law No. 1 (Administration) 2015*, section 9 and the prescribed activity was undertaken in compliance with the conditions of the approval.
- (4) For section 6(5) of the authorising local law, the undertaking of the prescribed activity of the installation of an advertising device is prohibited in the circumstances specified in section 6 of schedule 10.
  - (5) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity of the installation of an advertising device are stated in section 7 of schedule 10.
  - (6) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity of the installation of an advertising device if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 8 of schedule 10.
  - (7) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity of the installation of an advertising device are stated in section 9 of schedule 10.
  - (8) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity of the installation of an advertising device are stated in section 10 of schedule 10.
  - (9) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity of the installation of an advertising device is provided for in section 11 of schedule 10.
  - (10) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity of the installation of an advertising device is provided for in section 12 of schedule 10.
  - (11) For section 12 of the authorising local law, no certificate of a third party certifier may be accepted by the local government as evidence about any application requirement.’.

## **7 Amendment of sch 10 (Installation of advertising devices)**

Schedule 10—

*omit, insert—*

### **‘Schedule 10 Installation of advertising devices**

Section 12

#### **1 Prescribed activity**

Installation of advertising devices.



## **2 Activities that do not require approval under the authorising local law**

- (1) An approval is not required under the authorising local law for the prescribed activity of the installation of an advertising device if—
  - (a) the advertising device is a self-assessable advertising device; and
  - (b) the undertaking of the prescribed activity complies with—
    - (i) if the self-assessable advertising device is a temporary advertising device — the specific criteria and conditions for the self-assessable advertising device in section 3; and
    - (ii) if the self-assessable advertising device is a permanent advertising device — the specific criteria and conditions for the self-assessable advertising device in section 4; and
  - (iii) the general criteria and conditions for the installation, erection and display of advertising devices in section 5.
- (2) Also, an approval is not required under the authorising local law for the prescribed activity of the installation of an advertising device if—
  - (a) the advertising device is an approval required advertising device; and
  - (b) immediately before the commencement of *Administration and Other Subordinate Local Law (Amendment) Subordinate Local Law (No 1) 2019*, the installation, erection and display of the advertising device—
    - (i) was authorised by a development approval and the prescribed activity was undertaken in compliance with the conditions of the development approval; or
    - (ii) complied with all applicable assessment benchmarks for assessable development in the planning scheme of the local government; or
    - (iii) was authorised by an approval granted under *Noosa Shire Council Local Law No. 1 (Administration) 2015*, section 9 and the prescribed activity was undertaken in compliance with the conditions of the approval.

## **3 Temporary advertising devices**

The specific criteria and conditions for the undertaking of the prescribed activity of the installation of a temporary advertising device which is a self-assessable advertising device are as follows—

- (a) if the self-assessable advertising device is a ***development/construction site hoarding***—
  - (i) the sign face area of the advertising device must not exceed 4m<sup>2</sup> per individual sign on the street front boundary of the premises on which the advertising device is displayed; and
  - (ii) the advertising device must contain only the name and contact



details of the builder, developer or consultant responsible for the development or construction activities undertaken on the premises on which the advertising device is displayed, and associated branding; and

(b) if the self-assessable advertising device is an *election sign*—

- (i) an approval is not required under the authorising local law for the prescribed activity if the activity is the installation, erection or display of an election sign that is visible from a road or other public place;
- (ii) however, the activity of the installation, erection or display of an election sign that is visible from a road or other public place may be undertaken by a person only if the person complies with the following requirements—
  - (A) the election sign must not be installed, erected or displayed prior to the commencement of the election period; and
  - (B) the election sign must be removed within 7 days following the end of the election period; and
  - (C) the election sign must be kept in good order and repair; and
  - (D) the election sign must not be exhibited on a local government controlled area, or any plant, equipment or facility of the local government; and
  - (E) the election sign must not be exhibited so as to constitute a risk to public health or safety, road safety or obstruct the use of a road (including a footpath); and

*Examples of paragraph (E)— an election sign is exhibited so as to constitute a risk to public health or safety, road safety or obstruct the use of a road if the election sign—*

- *is positioned in a way that obstructs or hinders access to private property when exiting a road, or obstructs or hinders access to a road when exiting private property;*
- *is positioned in a way that does not provide clear sight lines for drivers of vehicles or pedestrians at road junctions, vehicle access ways or pedestrian crossings;*
- *creates a traffic problem, or increases an existing traffic problem;*
- *is not weighted, anchored or affixed so as to ensure stability and avoid falling or blowing into the path of pedestrian or vehicular traffic;*
- *is rotating, audible or illuminated and likely to cause a distraction to a driver;*
- *is exhibited in close proximity to an official traffic sign in a way which is likely to hinder or obstruct a driver from seeing, reading or understanding the official traffic sign whilst driving;*

(F) the election sign must not have a sign face area

- exceeding  $1.1\text{m}^2$ , unless the sign is exhibited on an approval required advertising device; and
- (G) the election sign must be made of a material that is designed to be easily broken, for example, a corflute sign on a timber stake; and
- (c) if the self-assessable advertising device is an *event directional sign*—
- (i) the number of advertising devices displayed in relation to an event must not exceed a maximum of 6 advertising devices unless authorised by an authorised person of the local government; and
  - (ii) the sign face area of each advertising device must not exceed  $0.54\text{m}^2$  (900mm x 600mm); and
  - (iii) the advertising device—
    - (A) must not be placed on a roundabout, centre traffic island or median strip, or any State-controlled road; and
    - (B) must not be attached to a tree or attached to road infrastructure, including traffic or road advisory signs; and
    - (C) must only be displayed on the days of the event and no more than 7 days prior to the event; and
    - (D) must not be erected outside a radius of 3km from the site of the event; and
  - (iv) the advertising device must—
    - (A) be removed within 24 hours of the conclusion of the event; and
    - (B) be attached to withstand consequent wind and other loads; and
- (d) if the self-assessable advertising device is a *real estate sign*—
- (i) the number of advertising devices displayed on premises must not exceed a maximum of 1 advertising device per premises; and
  - (ii) the advertising device may only be placed on premises that are for sale or lease except where the display of the advertising device on the premises is not practical, in which case the advertising device must be placed immediately adjacent to the premises; and
  - (iii) the advertising device may be doubled sided, provided the device does not create a hazard for pedestrians or motorists by protruding from the premises; and
  - (iv) the sign face area of the advertising device must not exceed —

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- (A) 2.16m<sup>2</sup>; or
  - (B) if the advertising device is double sided — 1.08m<sup>2</sup> on each side of the advertising device; and
- (v) the advertising device must not be illuminated or have any flag protruding from any structure which forms part of the advertising device; and
- (vi) if the real estate sign is an open for inspection or auction day sign —
  - (A) the advertising device must only be placed on the premises on the day of the auction, or open for inspection, and removed immediately after completion of the auction or open for inspection; and
  - (B) the advertising device must not include an A-frame sign or a flag; and
  - (C) the sign face area of the advertising device must not exceed 750mm x 400mm or 0.3m<sup>2</sup> per side of the advertising device; and
  - (D) not more than 2 advertising devices per premises may be displayed on any premises, including on the day of auction or open for inspection for the premises; and
  - (E) the advertising device must not be placed on a road, roundabout, centre traffic island or median strip, or on any State-controlled road; and
  - (F) the advertising device must not be illuminated or animated; and
- (e) if the self-assessable advertising device is a *real estate directional* sign—
  - (i) a maximum of (1) advertising device per property auction or open for inspection may be displayed; and
  - (ii) the advertising device must be placed on, or directly out the front of the property to which it refers; and
  - (iii) the advertising device must only be placed on, or directly out the front of the property on the day of the auction or open for inspection and removed immediately after the auction or open for inspection; and
  - (iv) the sign face area of the advertising device must not exceed 750mm x 400mm or 0.3m<sup>2</sup> on each side of the advertising device; and
  - (v) the advertising device must not be illuminated or animated; and
- (f) if the self-assessable advertising device is a *garage sale sign*—
  - (i) the sign face area of the advertising device must not exceed



750mm x 400mm or 0.3m<sup>2</sup> per side; and

- (ii) the number of advertising devices displayed must not exceed a maximum of 5 per garage sale event, which includes any garage sale sign erected at the premises at which the garage sale occurs; and
- (iii) the advertising device must not be placed on—
  - (A) a road, roundabout, centre traffic island or median strip; or
  - (B) any State-controlled road; or
  - (C) any road infrastructure, for example, on an official traffic sign or an advisory sign; and
- (iv) the advertising device must not be attached to a tree or other vegetation; and
- (v) if an advertising device is displayed at an intersection, the number of advertising devices displayed at the intersection must not exceed a maximum of 1 advertising device per intersection; and
- (vi) the advertising device may only be displayed on the day of the garage sale, and must be removed promptly after the end of the garage sale; and
- (vii) the advertising device must not be illuminated or animated; and
- (g) if the self-assessable advertising device is a *prize home direction sign* —
  - (i) the number of advertising devices displayed in relation to the prize home must not exceed a maximum of 6 advertising devices unless authorised by an authorised person of the local government; and
  - (ii) the sign face area of each advertising device must not exceed 0.30m<sup>2</sup> (750mm x 400mm); and
  - (iii) the advertising device must not be placed on a roundabout, centre traffic island or median strip, or any State-controlled road; and
  - (iv) the advertising device must not be attached to a tree or attached to road infrastructure, including traffic or road advisory signs; and
  - (v) the advertising device must not be displayed outside a radius of 3km from the prize home; and
  - (vi) the advertising device must not be displayed for more than the duration of the prize home draw competition; and
  - (vii) the advertising device must be removed within 24 hours of the conclusion of the prize home draw; and



- (viii) the advertising device must be attached to withstand consequent wind and other loads.
- (h) if the self-assessable advertising device is a **sandwich board / A frame sign** —
  - (i) a maximum of (1) advertising device per tenancy may be displayed; and
  - (iii) the advertising device must be placed on the property to which it refers, or where this is not practically possible, immediately abutting the property on public land; and
  - (iv) if located on public land, the sign must only be located within the footpath road reserve and must not be located in a garden bed, on a beach nor dunal area, nor recreation parkland, unless within designated lands lease or permit areas; and
  - (v) clear pedestrian, wheelchair and pram access must be maintained at all times; and
  - (iv) the advertising device must only be displayed when the tenancy is open for business; and
  - (v) the sign face area of the advertising device must not exceed 900mm x 600mm or 0.54m<sup>2</sup> on each side of the advertising device; and
  - (vi) the advertising device must be structurally sound, stable and not pose a hazard or safety risk to the public; and
  - (vii) a public liability certificate to the value of \$20,000,000 must be current.

#### 4 Permanent advertising devices

The specific criteria and conditions for the undertaking of the prescribed activity of the installation of a permanent advertising device which is a self-assessable advertising device are as follows—

- (a) if the self-assessable advertising device is an **above awning sign**—
  - (i) the advertising device may only be displayed at premises as an above awning sign if no other alternative sign display option is available at the premises; and
  - (ii) the advertising device must not project above the roof line of the building to which the advertising device is attached; and
  - (iii) the sign face area of the advertising device must not exceed 1.5m<sup>2</sup>; and
  - (iv) the advertising device must not be attached within 1.5m of any side boundary of the premises on which the advertising device is displayed; and
  - (v) the number of advertising devices displayed on premises must not exceed a maximum of 1 advertising device per premises; and
- (b) if the self-assessable advertising device is an **awning fascia sign**—
  - (i) the sign face area of the advertising device must not exceed

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4m<sup>2</sup>; and

- (ii) the advertising device must not project above or below the awning face on which the advertising device is painted or to which the advertising device is attached; and
- (c) if the self-assessable advertising device is an *under awning sign*—
  - (i) the advertising device must be oriented at right angles to the frontage of the building on which the advertising device is displayed; and
  - (ii) the sign face area of the advertising device must not exceed a maximum of 75% of the width of the awning or verandah to which the advertising device is attached; and
  - (iii) the sign face area of the advertising device must not exceed a maximum height of 600mm and a maximum depth of 300mm; and
  - (iv) the sign face area of the advertising device must not exceed 1.5m<sup>2</sup>; and
  - (v) the lowest part of the advertising device must have a maximum clearance of 2.4m above ground level directly adjacent to the advertising device; and
  - (vi) the advertising device must be centrally located along the frontage of the premises underneath which the advertising device is suspended; and
  - (vii) the advertising device must not be closer than 3m from any other under awning sign or within 1.5m of any side boundary of the premises on which the advertising device is displayed; and
  - (viii) the number of advertising devices displayed on premises must not exceed a maximum of 1 advertising device per building on the premises; and
- (d) if the self-assessable advertising device is a *business name plate*—
  - (i) the number of advertising devices displayed on premises must not exceed a maximum of 1 advertising device per tenancy, on the premises; and
  - (ii) the advertising device must be attached to a fence, wall or building face at street level; and
  - (iii) the sign face area of the advertising device must not exceed 0.3m<sup>2</sup>; and
  - (iv) the advertising device must not be illuminated; and
  - (v) the advertising device must not be displayed at a height in excess of 2m above ground level directly adjacent to the advertising device; and
- (e) if the self-assessable advertising device is a *community service organisation sign*—

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- (i) the number of advertising devices displayed on premises must not exceed a maximum of 1 advertising device per street front boundary of the premises; and
- (ii) the sign face area of the advertising device must not exceed 4m<sup>2</sup>; and
- (iii) the advertising device must only refer to the name, premises or activity of the community service organisation, or a forthcoming event or undertaking of the community service organisation; and
- (iv) the advertising device may advertise a sponsor of the community service organisation, but not if the advertising comprises in excess of 25% of the total sign face area of the advertising device; and
- (v) if the advertising device is only displayed on a temporary basis for a sporting club sign on day and is not displayed on the premises of the sporting club—
  - (A) the number of advertising devices displayed in relation to the sign on day must not exceed a maximum of 6 advertising devices; and
  - (B) the sign face area of each advertising device must not exceed 0.54m<sup>2</sup> (900mm x 600mm); and
  - (C) the advertising device must not include any third party sponsorship; and
  - (D) the advertising device must not be placed on a roundabout, centre traffic island or median strip, or any State-controlled road; and
  - (E) the advertising device must not be attached to a tree or attached to road infrastructure, including traffic or road advisory signs; and
  - (F) the advertising device must not be displayed outside a radius of 5km from the site of the sign on day in a coastal urban area or outside a radius of 15km from the site of the sign on day in a rural hinterland area; and
  - (G) the advertising device must not be displayed more than 14 days prior to the sign on day; and
  - (H) the advertising device must be removed within 24 hours of the conclusion of the sign on day; and
  - (I) the advertising device must be attached to withstand consequent wind and other loads; and
- (f) if the self-assessable advertising device is a *created awning line sign*—



- (i) the sign face area of the advertising device must not exceed 4m<sup>2</sup>; and
  - (ii) the area of the advertising device extending beyond the fascia must not exceed 25% of the width of the fascia; and
  - (iii) the lowest part of the advertising device must have a maximum clearance of 2.4m above ground level directly adjacent to the advertising device; and
- (g) if the self-assessable advertising device is a **flag pole sign**—
  - (i) the number of advertising devices displayed on premises must not exceed a maximum of 1 advertising device per 10m of the street front boundary of the premises, up to a maximum of 3 advertising devices per premises; and
  - (ii) the sign face area of the advertising device must not exceed 2m<sup>2</sup>; and
  - (iii) the height of the advertising device must not exceed 5m above ground level directly adjacent to the advertising device; and
- (h) if the self-assessable advertising device is a **fence sign**—
  - (i) the sign face area of the advertising device must not exceed whichever is the lesser of—
    - (A) 1m<sup>2</sup> per linear metre of fence length to which the advertising device is attached; and
    - (B) 4m<sup>2</sup>; and
  - (ii) the advertising device must not project above or beyond the fence to which the advertising device is attached; and
- (i) if the self-assessable advertising device is a **hamper sign**—
  - (i) the display of the advertising device must be limited to the area between the door head and the underside of the verandah or awning roof; and
  - (ii) the advertising device must not extend beyond the length of the building wall above the door head; and
  - (iii) the thickness of the advertising device must not exceed 300mm; and
  - (iv) the sign face area of the advertising device must not exceed 4m<sup>2</sup>; and
- (j) if the self-assessable advertising device is a **home based business sign**—
  - (i) the number of advertising devices displayed on premises must not exceed a maximum of 1 advertising device per premises; and
  - (ii) the advertising device may be a fence sign, a wall sign or a freestanding sign; and



- (iii) the sign face area of the advertising device must not exceed 750mm x 400mm or 0.3m<sup>2</sup>; and
- (iv) the advertising device must not be displayed at a height in excess of 2m above ground level directly adjacent to the advertising device; and
- (v) the advertising device must display only the business name, occupation and contact details of the home based business advertised on the advertising device; and
- (vi) the advertising device must not be illuminated or animated; and
- (k) if the self-assessable advertising device is a *multi-tenancy arcade sign*—
  - (i) the advertising device may only be erected on premises if the premises comprises multiple tenancies in an arcade format; and
  - (ii) the advertising device must contain the business name and logo of each tenant of the arcade; and
  - (iii) the sign face area of the advertising device must not exceed 2m<sup>2</sup>; and
  - (iv) the number of advertising devices displayed on premises must not exceed a maximum of 1 advertising device per street front boundary of the premises; and
- (l) if the self-assessable advertising device is a *sporting field fence sign*—
  - (i) the advertising device must be positioned on the inside (facing a sporting field) side of the fence at a sporting field; and
  - (ii) the advertising device must not project above or beyond the fence to which it is attached; and
  - (iii) the advertising device must not have a height in excess of 1.2m; and
  - (iv) the advertising device must not be placed so as to pose a risk of injury to spectators or participants attending the sporting field; and
- (m) if the self-assessable advertising device is a *stall board sign*—
  - (i) the advertising device must only be displayed on the area below a street front window; and
  - (ii) the advertising device must be designed such that the sign face is recessed inside the stall board; and
  - (iii) the advertising device must not protrude onto a road such that it could injure or obstruct the passage of pedestrians; and
  - (v) the sign face area of the advertising device must not exceed 4m<sup>2</sup>; and



- (n) if the advertising device is a **wall sign**—
  - (i) the advertising device must not obscure any window or architectural feature including the balustrade of the building to which the advertising device is attached; and
  - (ii) the advertising device must not project beyond the edges of the wall to which it is attached or over the boundary of any adjoining premises; and
  - (i) the sign face area of the advertising device must not exceed 4m<sup>2</sup>; and
  - (ii) the thickness of the advertising device must not exceed 300mm; and
- (i) if the advertising device is a **window sign**—
  - (i) the sign face area of the advertising device must not cover, or obscure, whichever is the lesser of—
    - (A) more than 50% of the glazed area of the building to which the advertising device is attached; or
    - (B) 4m<sup>2</sup>; and
  - (ii) as an alternative to paragraph (i)—the advertising device may include the display of a maximum of 1 LCD/digital screen window sign to a maximum size of 0.5m<sup>2</sup>, but the digital screen must not operate after 11.00pm or before sunrise on any day; and
- (o) if the self-assessable advertising device is a **vertical sign**—
  - (i) the sign face area of the advertising device must not exceed 1.5m<sup>2</sup> per side; and
  - (ii) the advertising device must not project beyond any awning or verandah of the building to which the advertising device is attached; and
  - (iii) the advertising device must not project above the roof line of the building to which the advertising device is attached; and
  - (iv) the number of advertising devices displayed on premises must not exceed a maximum of 1 advertising device per premises (including premises which comprise a multiple occupancy building).

## 5 General criteria and conditions for advertising devices

- (1) The general criteria and conditions for the installation, erection and display of advertising devices, including self-assessable advertising devices and approval required advertising devices, are specified in subsections (2) to (12) inclusive.



- (2) This subsection prescribes *requirements about the sign face area* for an advertising device displayed, directly or indirectly, about the occupation of a tenancy as follows—
- (a) the sign face area of an individual advertising device must not exceed  $4\text{m}^2$ ; and
  - (b) if the premises on which the advertising device is installed is a shopping centre, the sign face area of all advertising devices on the shopping centre must not exceed whichever is the lesser of —
    - (i) a combination of—
      - (A) if the building comprising the shopping centre has 1 or more street front boundaries—  $10\text{m}^2$  for each shopping centre building façade with a direct street frontage; and
      - (B) if the building comprising the shopping centre has 1 or more off-street parking areas —  $10\text{m}^2$  for each shopping centre building façade with an off-street parking area; and
    - (ii) a combination of —
      - (A) if the building comprising the shopping centre has 1 or more street front boundaries —  $0.75\text{m}^2$  per linear metre for each shopping centre building façade with a direct street frontage; and
      - (B) if the building comprising the shopping centre has 1 or more off-street parking areas —  $0.75\text{m}^2$  per linear metre of the boundary of each shopping centre building façade which abuts an off-street parking area; and
  - (c) if the premises on which 1 or more advertising devices is installed is 1 tenancy, and regardless of whether the tenancy forms part of a shopping centre or not, the sign face area of all advertising devices on the tenancy must not exceed whichever is the lesser of—
    - (i) if the tenancy has a street front boundary or an off-street parking area, or a combination of a street front boundary and an off-street parking area —  $10\text{m}^2$ ; and
    - (ii) a combination of —
      - (A) if the tenancy has a street front boundary —  $0.75\text{m}^2$  per linear metre of the street front boundary of the tenancy; and
      - (B) if the tenancy has an off-street parking area —  $0.75\text{m}^2$  per linear metre of the boundary of off-street parking area which abuts the tenancy; and
  - (d) for the avoidance of doubt, if the premises on which 1 or more advertising devices is installed is a tenancy, and the tenancy forms part of a shopping centre, the sign face area of all advertising devices on the tenancy and the shopping centre must not exceed, collectively —



- (i) for the shopping centre — a sign face area calculated in accordance with paragraph (b); and
    - (ii) for the tenancy — a sign face area calculated in accordance with paragraph (c); and
  - (e) the number of pylon signs on premises must be limited to 1 pylon sign per street front boundary of the premises; and
  - (f) if the advertising device is installed on 1 tenancy within the Cooroy Industrial Zone or the Noosaville Industrial Zone, but not located on premises fronting Eumundi Noosa Road or Walter Hay Drive—the sign face area of the advertising device must not exceed whichever is the lesser of—
    - (i) 0.75m<sup>2</sup> per linear metre of the building on the street front boundary of the tenancy; and
    - (ii) 6m<sup>2</sup>.
- (3) This subsection prescribes **general requirements** for advertising devices as follows—
- (a) the construction of the advertising device must be structurally sound; and
  - (b) the height, dimensions and overall size of the advertising device must not exceed requirements prescribed under the authorising local law for the advertising device; and
  - (c) the advertising device must not be installed on a local government controlled area or road abutting land unless—
    - (i) it is not physically possible to install the advertising device on the land; and
    - (ii) the local government has granted an approval in respect of the installation of the advertising device on the local government controlled area or road abutting the land; and
  - (d) the advertising device must be of a professional standard and must not be hand painted or written; and
  - (e) the advertising device must comply with the requirements of all levels of government; and
  - (f) the advertising device must not be illuminated prior to the grant of an approval which authorises the illumination of the advertising device; and
  - (g) the advertising device must be architecturally attractive and contribute to the retention and enhancement of the character of the area in which advertising device is to be displayed.
- (4) This subsection prescribes general **design and amenity requirements** for an advertising device as follows—
- (a) the advertising device must be compatible with, complement, and



- not detract from, the characteristics of the natural and built environment in which the advertising device is displayed; and
- (b) the advertising device must not detract from a building on, or the site or locality at which, the advertising device is displayed; and
  - (c) the advertising device must be compatible with the scale, and extent of buildings on the street front boundary of the premises and not be visually intrusive in the streetscape or setting in which it is displayed; and
  - (d) the advertising device must be compatible with the scale, proportion, bulk and other characteristics of the buildings, structures, landscapes and other advertising devices on the premises on which the advertising device is displayed; and
  - (e) the advertising device must not detract from the architectural, urban or landscape design standards of the locality (including any development approval conditions relating to landscaping or streetscape improvement programs implemented by the local government); and
  - (f) the advertising device must be designed and integrated into the built form, not visually dominate the building and minimise visual clutter; and
  - (g) the advertising device must not adversely impact on the amenity of environmental conservation areas, rural, rural residential or residential areas; and
  - (h) the advertising device must accommodate the legitimate need to provide directions and business identification in a manner that is consistent with achieving paragraphs (a) to (g) inclusive.
- (5) This subsection prescribes *view, vista and visual amenity requirements* for the display of an advertising device as follows—
- (a) the advertising device must not block or compromise a view or vista of high scenic amenity or impact on the visual amenity of scenic routes, high scenic areas, heritage sites, character areas, public open space, or the major road network; and
  - (b) the advertising device must respect the amenity of other property owners and not obscure, dominate or overcrowd the views of existing or prospective development on neighbouring premises; and
  - (c) the advertising device must consider the cumulative effect of existing signage on the premises on which the advertising device is displayed and not result in over-signage; and
  - (d) the advertising device must not contribute to the proliferation of visual clutter nor dominate the visual streetscape environment; and
  - (e) the advertising device must maintain views of vistas of significance in the public domain.
- (6) This subsection prescribes *requirements about building façade* for an advertising device as follows—



- (a) the advertising device, including any supporting structure of the advertising device, fixing devices and services, must not detract from the appearance of a building façade; and
  - (b) the advertising device must be considered as a design element to be incorporated in the existing elevational treatment of a building, in a manner which respects the scale, style, alignments, patterns and other architectural features of the building; and
  - (c) the advertising device must generally be confined to flat surfaces, such as a plain wall, spandrel or parapet and not be positioned across a window, column, balustrade or other design feature.
- (7) This subsection prescribes ***requirements about safety*** for an advertising device as follows—
- (a) the advertising device must not create a traffic, pedestrian or cyclist safety hazard; and
  - (b) the advertising device must be constructed to an appropriate standard to ensure public safety; and
  - (c) where an advertising device uses electricity—the advertising device must be safe with electrical componentry integrated into the advertising device; and
  - (d) the advertising device must not physically obstruct the passage of, or pose a hazard for, pedestrians, cyclists or drivers of motor vehicles; and
  - (e) the advertising device must not restrict sight lines at an intersection or a site access point; and
  - (f) the advertising device must be constructed such that no support, fixing or other system required for the proper installation of the advertising device is exposed; and
  - (g) the advertising device must be constructed such that conduits, wiring, switches and other electrical apparatus installed on the advertising device are concealed from view; and
  - (h) the advertising device must be constructed such that no electrical equipment is mounted on an exposed surface of the advertising device.
- (8) This subsection prescribes ***electrical supply infrastructure requirements*** for an advertising device as follows—
- (a) the advertising device must be installed an adequate, and safe, distance from electrical infrastructure including any substation overhead power line, power pole and transformer; and
  - (b) any structure associated with an advertising device must not be constructed under overhead electricity transmission lines or within an electricity transmission line easement.
- (9) This subsection prescribes ***requirements about the maintenance*** of an advertising device as follows—



- (a) the advertising device must be maintained in good order and condition at all times, including the maintenance of any ancillary works associated with the display of the advertising device; and
  - (b) the maintenance obligation continues for as long as the advertising device remains on display.
- (10) This subsection prescribes requirements about the ***display of an advertising device at a shopping centre*** as follows—the display of advertising devices at the shopping centre must be undertaken in compliance with any advertising device management plan approved by the local government for the shopping centre.
- (11) This subsection prescribes ***requirements about heritage and character*** for the display of an advertising device as follows—if an advertising device is displayed on a heritage site, or in a character area, identified on a heritage overlay map in the planning scheme of the local government—the advertising device must be designed and sited having regard to the context, character and architectural features of the heritage site or character area.
- (12) This subsection prescribes ***requirements about the installation, erection and display of multiple advertising devices*** on premises as follows—
  - (a) where numerous small advertising devices are located adjacent to one another, the number, size, position and height of each advertising device must be limited to avoid visual clutter; and
  - (b) to avoid visual clutter, where more than 1 tenant or business occupies a building or premises, advertising devices located on the building or premises, including freestanding signs must be harmonious and coordinated in size and height.

## 6 Prohibited advertising devices

For the prescribed activity of the installation of advertising devices, the undertaking of the prescribed activity is prohibited if the advertising device is 1 of the following—

- (a) a combination of advertising devices on 1 tenancy, if the combined sign face area of the advertising devices on the tenancy does not comply with the requirements prescribed in section 5(2);
- (b) an advertising device on 1 tenancy which does not comply with 1 or more of the following —
  - (i) if the advertising device is a temporary advertising device which is a self-assessable advertising device — a requirement prescribed in section 3;
  - (ii) if the advertising device is a permanent advertising device which is a self-assessable advertising device — a requirement prescribed in section 4;
  - (iii) if the advertising device is an approval required advertising device —a requirement prescribed in section 8;
- (c) an animated sign;



- (d) a balloon sign;
- (e) a banner sign;
- (f) a billboard;
- (g) a blind sign;
- (h) a bunting sign;
- (i) a created roofline sign;
- (j) a flashing sign;
- (k) an inflatable advertising sign;
- (l) a motor vehicle sign;
- (m) a moving sign;
- (n) a neon sign;
- (o) a portable illuminated sign;
- (p) a portable interchangeable letter sign;
- (q) a projected sign;
- (r) a rooftop sign;
- (s) a tear drop flag;
- (t) a third party sign;
- (u) a three dimensional sign;
- (v) a trailer sign;
- (w) a written roof sign;
- (x) an advertising device attached to a tree or other vegetation;
- (y) an advertising device attached to roadside infrastructure of the local government;
- (z) another advertising device which is not identified in this schedule as—
  - (i) an approval required advertising device; or
  - (ii) a self-assessable advertising device.

**7 Documents and materials that must accompany applications for approval**

The documents and materials that must accompany an application for the prescribed activity of the installation of an advertising device which is an approval required advertising device are each of the following—

- (a) a completed application form and compliance check list including—
  - (i) the name of the person and business making the application; and
  - (ii) landowner or body corporate consent for the advertising device type and location; and
  - (iii) the trading name, address, telephone number and email address of



the business under which the approval is to be issued; and

- (b) a site plan (including a building elevation plan) identifying the location of the proposed advertising device; and
- (c) details of the design, construction, dimensions and content of the advertising device and how it is to be secured to prevent it from moving; and
- (d) the times at which the advertising device will be displayed; and
- (e) a copy of a public liability insurance policy —
  - (i) in an amount not less than \$20,000,000 in respect of any one occurrence and for an unlimited number of claims; and
  - (ii) which insures the applicant and the local government severally, for their respective entitlements and interests, and which will remain current during the term of the approval; and
- (f) the prescribed fee for the application, as determined by the local government's schedule of fees and charges; and
- (g) if the advertising device is to be installed at a shopping centre—an advertising device management plan which contains particulars of each advertising device which is to be installed at the shopping centre; and
- (h) if the advertising device is to be installed on a heritage site, or in a character area, identified on a heritage overlay map included in the planning scheme of the local government—a “face-grid” analysis that—
  - (i) identifies the grid established by the elements of the façade such as windows, door awnings, cornices, parapets, columns etc; and
  - (ii) identifies the most appropriate location for the advertising device but generally aligns with the grid and positions the advertising device within a flat surface such as a parapet or panel between openings and not located on a column or other projecting elevation feature.

## 8 Additional criteria for the granting of approval

The local government may only grant an approval for the undertaking of the prescribed activity of the installation of an advertising device which is an approval required advertising device if the local government is satisfied the proposed operation and management of the activity would be consistent with additional criteria as follows—

- (a) if the advertising device is a *freestanding sign, pylon sign* or *pole sign*—
  - (i) the height of the advertising device must not exceed 5m above ground level directly adjacent to the advertising device; and
  - (ii) the sign face area of the advertising device must not exceed 4m<sup>2</sup>; and
  - (iii) the number of advertising devices displayed on premises must not exceed a maximum of 1 advertising device per street front boundary



- of the premises (including premises with a multiple occupancy building on the premises); and
- (iv) the advertising device must be mounted as a freestanding structure in a landscaped environment and must not be a “V” shaped sign; and
- (v) the advertising device must be situated at least half its height from any boundary of the premises on which the advertising device is installed; and
- (vi) the advertising device must be designed and treated in such a way that the supporting framework and the back of the sign face area of the advertising device blends with the surrounding streetscape or field of view; and
- (vii) the thickness of the advertising device must not exceed a maximum of 75mm per metre of height of the advertising device above ground level; and
- (b) if the advertising device is an *illuminated sign* —
  - (i) the illuminated sign must not be installed or displayed in an area which is identified in a zone map in the planning scheme of the local government as a residential zone, rural residential zone, rural zone, environmental management zone or conservation zone; and
  - (ii) the number of illuminated signs displayed on premises must not exceed a maximum of—
    - (A) 1 illuminated sign per tenancy; or
    - (B) if the premises are located on a street corner—1 illuminated sign per street front boundary per tenancy; and
  - (iii) the illuminated sign must be appropriate to its setting and be compatible with the visual amenity of the surrounding area; and
  - (iv) the illuminated sign must not cause an environmental nuisance or distraction; and
  - (v) the illuminated sign must not create glare, reflection or flaring of colours; and
  - (vi) the illuminated sign must not create a potential safety hazard, including a traffic safety hazard; and
  - (vii) the level of illumination of the illuminated sign must not exceed a maximum luminance of 350 candelas per square metre; and
  - (viii) the illuminated sign must not incorporate flashing lights; and
  - (ix) the illuminated sign must not be illuminated after 11.00pm or before sunrise on any day; and
  - (x) the illuminated sign must not move or incorporate elements or moving messages that give the impression of movement.

## 9 Conditions that must be imposed on approvals

No conditions that must be imposed on an approval prescribed.



## 10 Conditions that will ordinarily be imposed on approvals

The conditions that will ordinarily be imposed on an approval to undertake the prescribed activity of the installation of an advertising device which is an approval required advertising device are as follows—

- (a) conditions that require the holder of the approval to take specified measures to ensure that the undertaking of the prescribed activity complies with the general criteria and conditions for the installation, erection and display of advertising devices as specified in section 5; and
- (b) conditions that require the holder of the approval to take specified measures to ensure that the undertaking of the prescribed activity complies with the additional criteria for the approval required advertising device as specified in section 8; and
- (c) a condition that requires that the holder of the approval must maintain the advertising device in a sound condition so that it does not create a visual or safety hazard; and
- (d) a condition that requires that the advertising device must be removed within 24 hours of the expiry of the approval for the advertising device.

## 11 Term of approval

- (1) The term of an approval commences on the date the approval is granted and expires on the date, if any, specified in the approval..

## 12 Term of renewal of approval

*This section has been intentionally left blank.*

## 13 Definitions for schedule

In this schedule—

**above awning sign** means any advertising device located on top of an awning or verandah.



**advertising device** means a structure or device which is visible from a road or other public place and which conveys information or directions of any kind

*Paul*

(other than a structure or device displayed pursuant to the authority or requirements of an Act) and the term includes any structure forming part of the advertising device or to which the advertising device is attached or on which it is displayed.

**animated sign** means any advertising device with movement, flashing or colour changes requiring electrical or manufactured sources of power, but excluding any LCD/digital screen window sign.

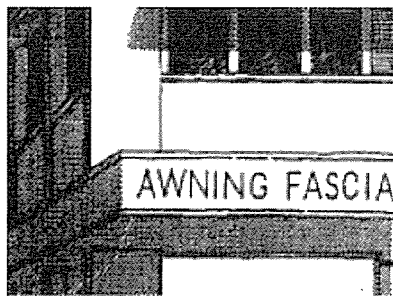
**approval required advertising device**, for the prescribed activity of the installation of an advertising device, means each advertising device as follows—

- (a) a freestanding sign;
- (b) a pylon sign;
- (c) a pole sign;
- (d) an illuminated sign.

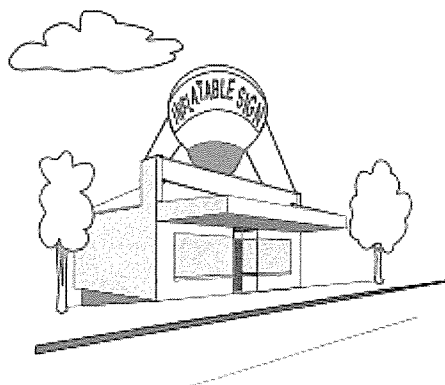
**assessable development** see *Planning Act 2016*, schedule 2.

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

**awning fascia sign** means any advertising device painted on, or otherwise attached to, the front or end face of an awning or canopy structure that does not extend above or below the fascia of the awning or canopy structure.

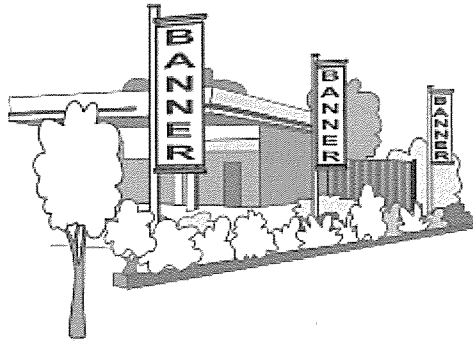


**balloon sign** means any shape, form or thing filled with gas or air and used to attract attention to a business or place.

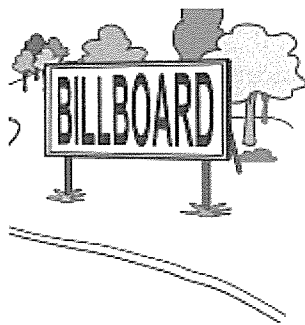


**banner sign** means any decorative flags, pennants or streamers connected by thread, rope, wire, or any flexible materials.

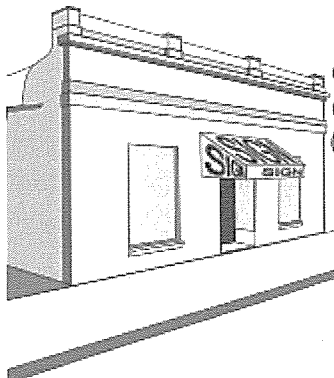
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**billboard** means any advertising device having a sign face area larger than 4m<sup>2</sup>.

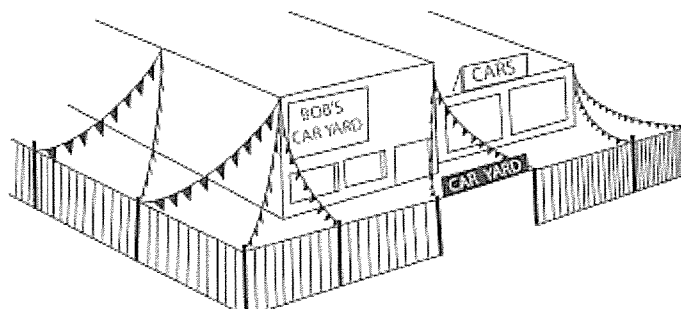


**blind sign** means any advertising device painted or otherwise attached to a solid or flexible material suspended from the edge of an awning, verandah or wall.



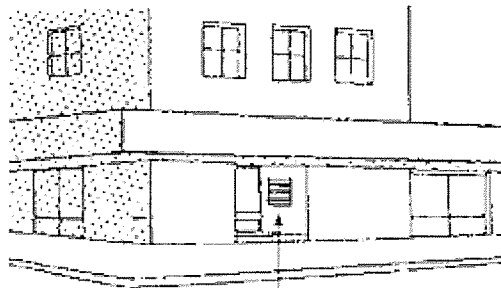
**building** has the meaning given in the *Building Act 1975*.

**bunting sign** means any string of flags or any advertising device consisting of a string of material, secured so as to allow movement.



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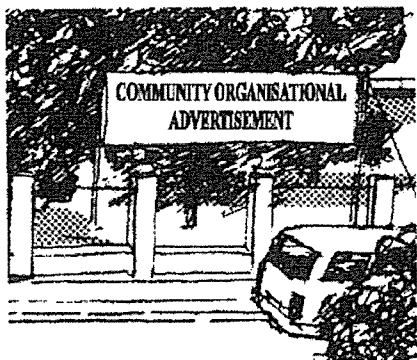
**business name plate** means any advertising device intended to display the name or occupation of a business occupant, whether painted or otherwise attached to a building wall, fence or freestanding.



Business Name Plate Sign

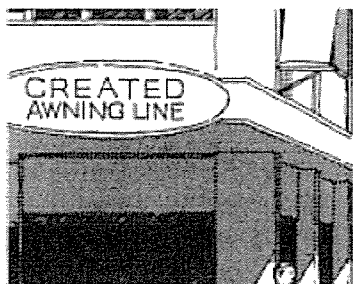
**community service organisation** means an incorporated association which is incorporated under the *Associations Incorporation Act 1981*.

**community service organisation sign** means any advertising device of a community service organisation, including an advertising device for a religious group or sporting club.



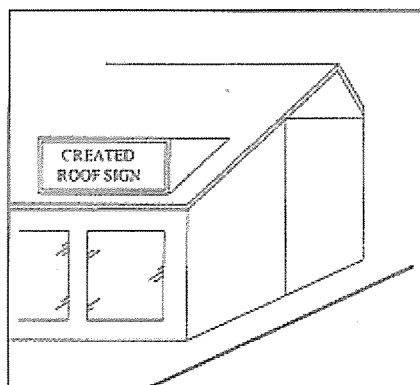
**Cooroy Industrial Zone** means the area within the suburb of Cooroy which is identified in the Cooroy Local Plan Area zone map in the planning scheme of the local government as medium impact industry zone or low impact industry zone.

**created awning line sign** means any advertising device attached to, and extending beyond, the fascia of an awning or the like.



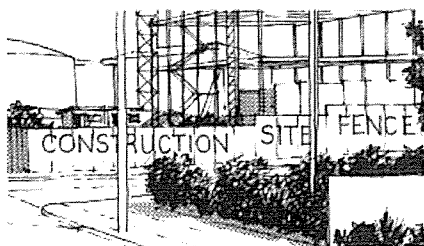
**created roofline sign** means any advertising device positioned on the roof, façade or wall of a building which changes the horizontal, or an angular, line of the roof.

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

**development construction site hoarding** means any material, including shade cloth, used as an advertising device at a development or construction site which may include the name and contact details of the builder, developer or a consultant for the development or construction site which is attached to perimeter fencing or safety fencing at the development or construction site.



**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 of the election is given; and
- (b) ending on the close of the poll in the election.

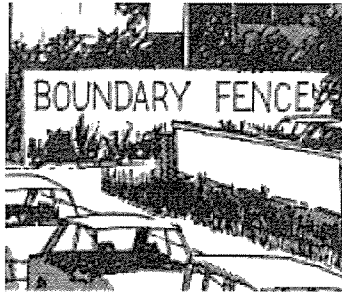
**election sign** means a temporary sign advertising or promoting a political candidate or candidates, a registered political party, or a campaign for a Commonwealth, State or local government election —

- (a) during an election period; or
- (b) in relation to a referendum.

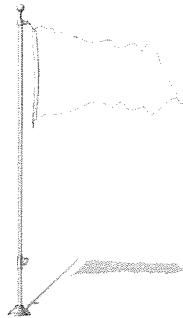
**event directional sign** means any advertising device intended to provide directional information about the location of a community event, facility or feature, for example, temporary events such as a fete, fair, festival, sporting event or similar event (but does not include regular markets).

**fence sign** means any advertising device painted or affixed flush to a fence.

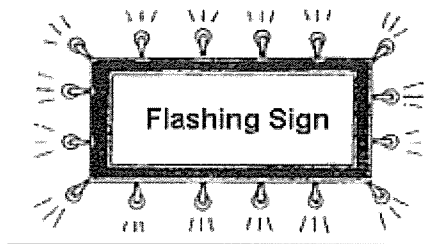
*Bau*



**flagpole sign** means any advertising device in the form of a flag, which includes any national flag and company corporate flag, and is flown from a masthead or suspended from any structure or pole.

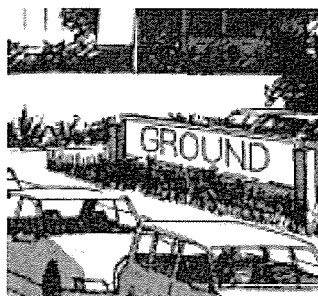


**flashing sign** means any advertising device with light movement, but excluding any LCD/digital screen window sign.



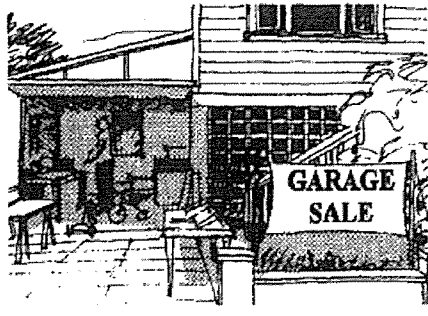
**freestanding sign** means any freestanding advertising device which—

- (a) is detached from a building; and
- (b) has a supporting structure that is solid appearing with a base constructed of a permanent material, for example, a concrete block or brick; but
- (c) does not include a pole sign or a pylon sign.

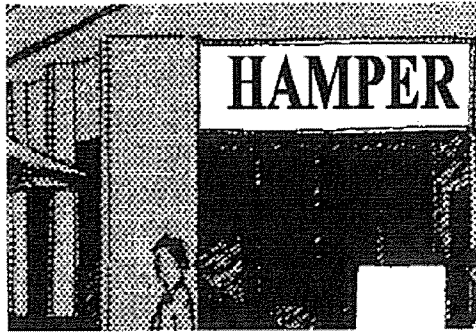


**garage sale sign** means any advertising device that is displayed temporarily promoting a household garage sale, including an advertising device displayed for directional purposes.

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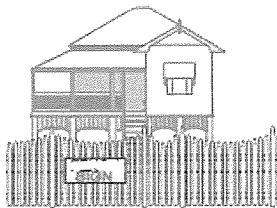


**hamper sign** means any advertising device painted or otherwise attached above the door head and below the awning level or verandah of a building.



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

**home based business sign** means any advertising device on residential premises promoting the name and contact details of a business operating from the residential premises.



**illuminated**, for an advertising device, means that the advertising device has specifically designed internal, or external, or both internal and external, means of illumination of the whole or a portion of the advertising device.

**illuminated sign** means an advertising device that is illuminated.

**inflatable advertising sign** means any advertising device comprising a shape, form or thing filled with gas or air used to attract attention to a business or place.

**LCD/digital screen window sign** means an advertising device comprising content capable of moving in a single LCD or digital screen placed behind the glass of a tenancy window, usually as part of a window sign.

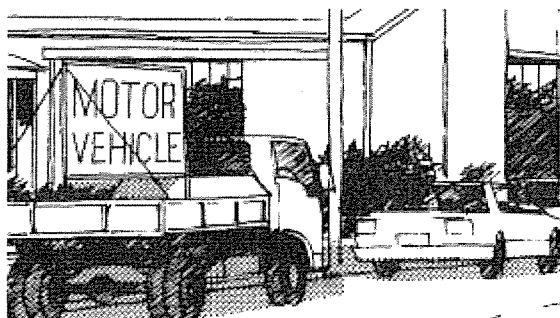
**motor vehicle sign**

- (a) means any advertising device attached to, or mounted on, a vehicle, for example, a stationary car, trailer, caravan, boat or truck, where—

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- (i) the advertising device is used to advertise a business or goods or services for sale; and
- (ii) the advertising device does not form part of the vehicle.

does not include car wrapping or business signage on business vehicles used for business purposes.



**moving sign** means any advertising device capable of displaying moving messages, but excluding any LCD/digital screen window sign.

**multi-tenancy arcade sign** means an advertising device which is —

- (a) located on the façade of a building which accommodates 6 or more tenancies in an arcade format; and
- (b) intended to display the name or logo of the tenants of the building.

**neon sign** means any illuminated advertising device which gives a coloured glow when electricity is passed through it in a sealed low pressure tube and includes any wording, border or line formed by using neon tube lighting.

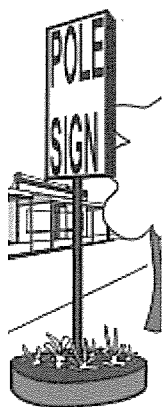
**Noosaville Industrial Zone** means the area within the suburb of Noosaville which is identified in the Noosaville Local Plan Area zone map in the planning scheme of the local government as medium impact industry zone or low impact industry zone.

**permanent advertising device** see section 4.

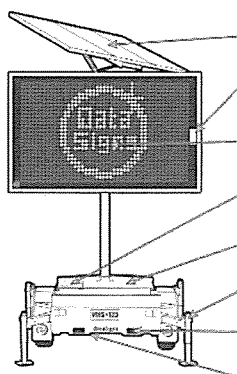
**pole sign** means—

- (a) an advertising device which is freestanding on 1 or more vertical supports which has a sign face area of not more than 4m<sup>2</sup>; and
- (b) may have a face area consisting of separate slats, panels or components which are removable and replaceable.

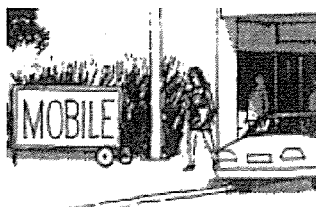
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**portable illuminated sign** means any freestanding moveable advertising device illuminated by electricity or other means.



**portable interchangeable letter sign** means any portable self-supporting advertising device displaying interchangeable letters (including a portable self-supporting advertising device with built in wheels).



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

**prize home direction sign** means an advertising device which provides directions to a prize home.

**prohibited advertising device**, means each advertising device as follows—

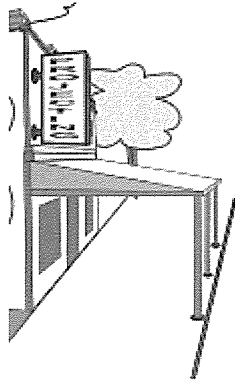
- (a) a combination of advertising devices on 1 tenancy, if the combined sign face area of the advertising devices on the tenancy does not comply with the requirements prescribed in section 5(2);
- (b) an advertising device on 1 tenancy which does not comply with 1 or more of the following —
  - (i) if the advertising device is a temporary advertising device which is a self-assessable advertising device — a requirement prescribed in section 3;

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- (ii) if the advertising device is a permanent advertising device which is a self-assessable advertising device — a requirement prescribed in section 4;
- (iii) if the advertising device is an approval required advertising device — a requirement prescribed in section 8;
- (c) an animated sign;
- (d) a balloon sign;
- (e) a banner sign;
- (f) a billboard;
- (g) a blind sign;
- (h) a bunting sign;
- (i) a created roofline sign;
- (j) a flashing sign;
- (k) an inflatable advertising sign;
- (l) a motor vehicle sign;
- (m) a moving sign;
- (n) a neon sign;
- (o) a portable illuminated sign;
- (p) a portable interchangeable letter sign;
- (q) a projected sign;
- (r) a rooftop sign;
- (s) a tear drop flag;
- (t) a third party sign;
- (u) a three dimensional sign;
- (v) a trailer sign;
- (w) a written roof sign;
- (x) an advertising device attached to a tree or other vegetation;
- (y) an advertising device attached to roadside infrastructure of the local government;
- (z) another advertising device which is not identified in this schedule as—
  - (i) an approval required advertising device; or
  - (ii) a self-assessable advertising device.

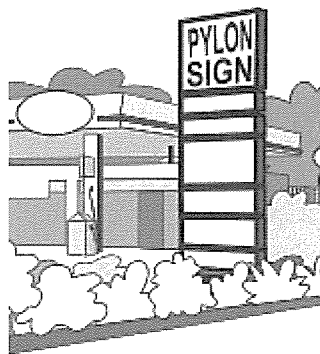
**projected sign** means any projected advertising device displayed on a surface by the projection of light or laser.





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

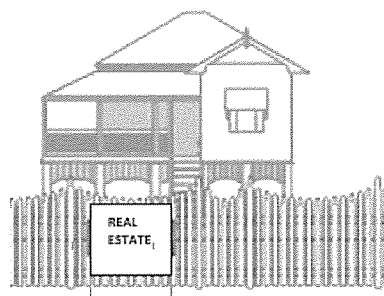
**pylon sign** means any freestanding advertising device that incorporates its own structure and is fixed to the ground.



**real estate directional sign** means any advertising device located on a public place for the purpose of directing persons to real estate/properties offered for sale, auction, lease or open for public inspection.



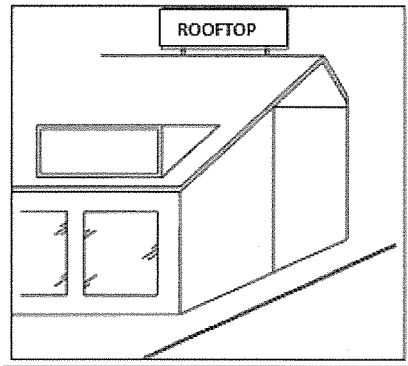
**real estate sign** means any temporary advertising device promoting the sale, auction, lease or letting of premises.



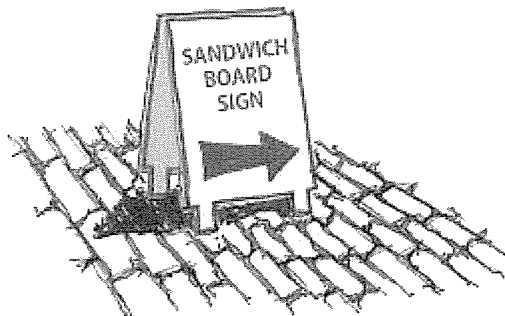
**roof** means the protective covering, that covers or forms the top of a building.

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**rooftop sign** means any advertising device fitted to the roof of a building with no relation to the architectural design or appearance of the building.



**sandwich board/A frame sign** means any portable advertising device which is used to advertise a business, goods or services which are available at the tenancy.



**self-assessable advertising device** means an advertising device which—

- (a) is identified as a self-assessable advertising device in paragraph (c); and
- (b) is installed, erected or displayed in compliance with—
  - (i) if the self-assessable advertising device is a temporary advertising device — the specific criteria and conditions for the self-assessable advertising device in section 3; and
  - (ii) if the self-assessable advertising device is a permanent advertising device — the specific criteria and conditions for the self-assessable advertising device in section 4; and
  - (ii) the general criteria and conditions for the installation, erection and display of advertising devices in section 5; and
- (c) is an advertising device as follows—
  - (i) a development/construction site hoarding;
  - (ii) an election sign;
  - (iii) an event directional sign;
  - (iv) a real estate sign;
  - (v) a real estate directional sign;

*Paul*

- (vi) a garage sale sign;
- (vii) a prize home direction sign;
- (viii) an above awning sign;
- (ix) an awning fascia sign;
- (x) an under awning sign;
- (xi) a business name plate;
- (xii) a community service organisation sign;
- (xiii) a created awning line sign;
- (xiv) a flag pole sign;
- (xv) a fence sign;
- (xvi) a hamper sign;
- (xvii) a home based business sign;
- (xviii) a multi-tenancy arcade sign;
- (xix) a sandwich board / A frame sign;
- (xx) a sporting field fence sign;
- (xxi) a stall board sign;
- (xxii) a wall sign;
- (xxiii) a window sign;
- (xxiv) a vertical sign.

**shopping centre** means the use of premises for an integrated shopping complex consisting mainly of shops.

**sign** see advertising device.

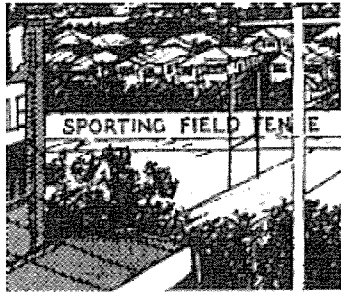
**sign face area**—

- (a) of an advertising device, means the area, measured around the perimeter of the advertising device wholly containing all collective features of the advertising device, inclusive of any words, logos, branding, images, colours, decorative lines, stripes, borders and architectural trims that immediately surround and form part of the advertising device;
- (b) of an advertising device, includes the external painting of a building if—
  - (i) the external painting includes the use of colours in patterns, symbols, messages or the like for business branding purposes; or
  - (ii) the external painting consists of signs which promote the business conducted from the building or a product, event or activity undertaken at the building; or
  - (iii) the external painting conveys information, instructions or directions relevant to a business activity conducted from the building; but
- (c) of an advertising device, subject to paragraph (b), does not include:
  - (i) the external painting of a building with a single colour or multiple

colours or paint trims where the colour or paint trim forms part of the architectural treatment of the building and does not constitute corporate branding, but notwithstanding this, natural colours consistent with the Noosa landscape are preferred and encouraged, and bold colours such as reds, blues and yellows are not encouraged, and are not consistent with the Noosa look and feel; or

- (ii) safety, warning or wayfinding signs, where not part of a corporate logo.

**sporting field fence sign** means any advertising device painted or otherwise attached to the inside of a fence around a sporting field.



**stallboard sign** means any advertising device painted or otherwise affixed below the ground storey window of a building.



**street front boundary** —

- (a) of premises, means the length, measured in metres, along the alignment of the premises abutting a road or abutting an access restriction strip directly between the premises and a road; and
- (b) if premises continuously abut more than 1 road or access restriction strip directly between the premises and a road, the street front boundary dimensions shall be the total length of those boundaries added together; and
- (c) if premises have more than 1 street front boundary that is not continuous, each street front boundary is to be considered separately.

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

**tear drop flag** means any freestanding advertising device comprising a single piece of lightweight material attached or supported by a flexible pole that allows the material to move in the wind.

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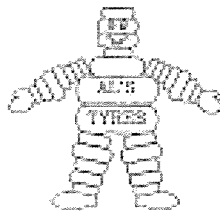


**temporary advertising device** see section 3.

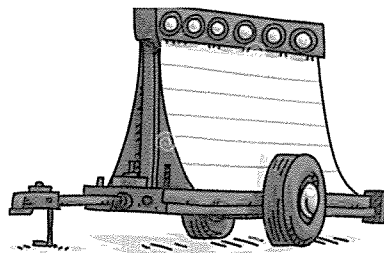
**Tenancy** means a lot or lease area over all or part of a lot where one or more businesses operate from, including a lease within a shopping centre, but does not include a building comprising a shopping centre.

**third party sign** means any advertising device which displays or promotes the name, logo or symbol of a company, organisation or individual, service or product that does not substantially occupy the tenancy, premises or building on which the advertising device is displayed.

**three dimensional sign** means any advertising device which is designed to replicate or copy a real world object or shape.

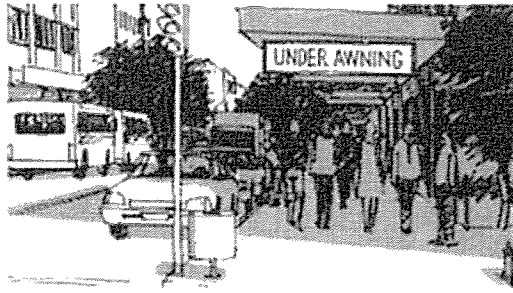


**trailer sign** means any advertising device mounted on a trailer with signs illuminated or displayed whether flashing or constant unless used in conjunction with road works or traffic control.



**under awning sign** means any advertising device attached underneath, or suspended from, an awning, verandah or the like and above the footpath under the awning, verandah or the like.

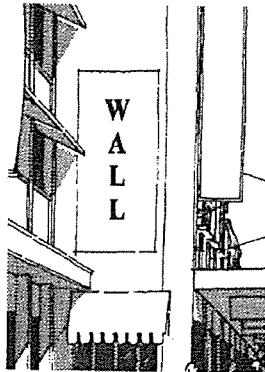
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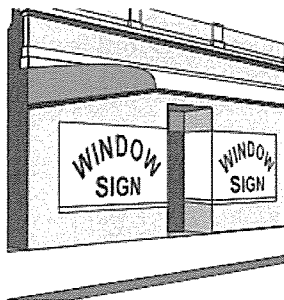
**vehicle** has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

**vertical sign** means any advertising device attached to a building and mounted at right angles to the façade of the building.

**wall sign** means any advertising device painted on or otherwise affixed flat to the wall of a building.

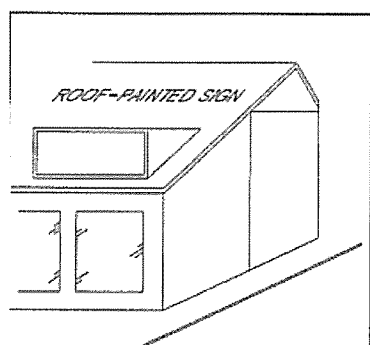


**window sign** means any advertising device painted on, displayed in, or otherwise affixed to, the exterior or inner surface of a glazed area of a building, and may include an LCD/digital screen window sign.



**written roof sign** means any advertising device that is painted or otherwise attached to the roof cladding of a building.

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**8 Amendment of sch 19 (Undertaking regulated activities on local government controlled areas and roads)**

- (1) Schedule 19, section 2(b)—  
*omit.*
- (2) Schedule 19, section 2(c) and (d)—  
*renumber* as section 2(b) and (c).

**Part 3 Amendment of Subordinate Local Law No. 4  
(Local Government Controlled Areas, Facilities  
and Roads) 2015**

**9 Subordinate local law amended**

This part amends *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015*.

**10 Amendment of sch 1 (Prohibited activities for local government controlled areas or roads)**

- (1) Schedule 1, part 1, Local government controlled area or road, 'All local government controlled parks, reserves and roads within the local government area', column 2, paragraph (f)—  
*omit, insert—*  
'(f) Undertake the prescribed activity of the installation of an advertising device if the advertising device is a prohibited advertising device as defined in schedule 1, part 2.'
- (2) Schedule 1, part 2, from 'For the purpose of this subordinate local law' to 'control.'—  
*omit, insert—*  
'(1) For the purpose of this subordinate local law—
  - (a) an advertising device is a *prohibited advertising device* if—
    - (i) the advertising device is—

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- (A) an advertisement or sign which is installed, erected or displayed on a local government controlled area, for example, a park or reserve, or on a road; and
- (B) visible from a road or other public place; and
- (ii) the advertising device is 1 of the following—
  - (A) a combination of advertising devices on 1 tenancy, if the combined sign face area of the advertising devices on the tenancy does not comply with the requirements prescribed in *Subordinate Local Law No. 1 (Administration) 2015*, schedule 10, section 5(2);
  - (B) an advertising device on 1 tenancy which does not comply with 1 or more of the following —
    - if the advertising device is a temporary advertising device which is a self-assessable advertising device — a requirement prescribed in *Subordinate Local Law No. 1 (Administration) 2015*, schedule 10, section 3;
    - if the advertising device is a permanent advertising device which is a self-assessable advertising device — a requirement prescribed in *Subordinate Local Law No. 1 (Administration) 2015*, schedule 10, section 4;
    - if the advertising device is an approval required advertising device — a requirement prescribed in *Subordinate Local Law No. 1 (Administration) 2015*, schedule 10, section 8;
  - (C) an animated sign;
  - (D) a balloon sign;
  - (E) a banner sign;
  - (F) a billboard;
  - (G) a blind sign;
  - (H) a bunting sign;
  - (I) a created roofline sign;
  - (J) a flashing sign;
  - (K) an inflatable advertising sign;
  - (L) a motor vehicle sign;
  - (M) a moving sign;
  - (N) a neon sign;
  - (O) a portable illuminated sign;
  - (P) a portable interchangeable letter sign;
  - (Q) a projected sign;
  - (R) a rooftop sign;



- (S) a tear drop flag;
- (T) a third party sign;
- (U) a three dimensional sign;
- (V) a trailer sign;
- (W) a written roof sign;
- (X) an advertising device attached to a tree or other vegetation;
- (Y) an advertising device attached to roadside infrastructure of the local government;
- (Z) another advertising device which is not identified in *Subordinate Local Law No. 1 (Administration) 2015*, schedule 10, as—
  - (i) an approval required advertising device; or
  - (ii) a self-assessable advertising device.

(2) For this part—

- (a) an advertising device referred to in subsection (1)(a)(ii) has the meaning given in *Subordinate Local Law No. 1 (Administration) 2015*, schedule 10; and
- (b) **approval required advertising device** has the meaning given in *Subordinate Local Law No. 1 (Administration) 2015*, schedule 10; and
- (c) **permanent advertising device** has the meaning given in *Subordinate Local Law No. 1 (Administration) 2015*, schedule 10; and
- (d) **self-assessable advertising device** has the meaning given in *Subordinate Local Law No. 1 (Administration) 2015*, schedule 10; and
- (e) **temporary advertising device** has the meaning given in *Subordinate Local Law No. 1 (Administration) 2015*, schedule 10; and
- (f) **tenancy** has the meaning given in *Subordinate Local Law No. 1 (Administration) 2015*, schedule 10.’.

#### 11 Amendment of sch 2 (Restricted activities for local government controlled areas or roads)

Schedule 2, column 1 ‘All local government controlled parks, reserves and roads within the local government area’, column 2, paragraph (b), after ‘or advertisement’—  
*insert—*

‘, other than the installation of an advertising device’.

## Part 4 Transitional provisions for Administration and Other Subordinate Local Law (Amendment) Subordinate Local Law (No. 1) 2019

## **12 Prescribed activity authorised by development approval**

If, immediately before the commencement of *Administration (Amendment) Local Law (No. 1) 2019* (the **amending local law**) and *Administration and Other Subordinate Local Law (Amendment) Subordinate Local Law (No. 1) 2019* (the **amending subordinate local law**), a person was undertaking the prescribed activity of the installation of an advertising device on premises and a development approval authorised the undertaking of the prescribed activity on the premises—

- (a) the commencement of the amending local law and the amending subordinate local law does not stop or further regulate the prescribed activity; but
- (b) from the commencement of the amending local law and the amending subordinate local law, the person undertaking the prescribed activity on the premises must comply with the requirements of the development approval.

## **13 Prescribed activity authorised as assessable development**

If, immediately before the commencement of the amending local law and the amending subordinate local law, a person was undertaking the prescribed activity of the installation of an advertising device on premises and the undertaking of the prescribed activity on the premises complied with all applicable assessment benchmarks for assessable development in the planning scheme of the local government—

- (a) the commencement of the amending local law and the amending subordinate local law does not stop or further regulate the prescribed activity; but
- (b) from the commencement of the amending local law and the amending subordinate local law, the person undertaking the prescribed activity on the premises must comply with the requirements of the applicable assessment benchmarks.

## **14 Prescribed activity authorised by local law approval**

If, immediately before the commencement of the amending local law and the amending subordinate local law, a person was undertaking the prescribed activity of the installation of an advertising device on premises and an approval granted under *Noosa Shire Council Local Law No. 1 (Administration) 2015*, section 9, authorised the undertaking of the prescribed activity on the premises, the approval continues in force after the commencement of the amending local law and the amending subordinate local law—

- (a) on the same terms and conditions as applied to the approval prior to the commencement of the amending local law and the amending subordinate local law; and
- (b) until the term of the approval ends; and
- (c) as though the approval was granted after the commencement of the amending local law and the amending subordinate local law.



## 15 Prescribed activity authorised by compliance with local law

- (1) Subsection (2) applies if, for an advertising device—
  - (a) immediately before the commencement of the amending local law and the amending subordinate local law, a person was undertaking the prescribed activity of the installation of an advertising device on premises and the undertaking of the prescribed activity on the premises complied with the conditions for the undertaking of the prescribed activity on the premises specified in *Subordinate Local Law No. 1 (Administration) 2015*, schedule 10, section 2(2); and
  - (b) on the commencement of the amending local law and the amending subordinate local law, the advertising device is not a prohibited advertising device, as defined in *Subordinate Local Law No. 1 (Administration) 2015*, schedule 10, section 13.
- (2) From the commencement of the amending local law and the amending subordinate local law, *Noosa Shire Council Local Law No. 1 (Administration) 2015*, section 6(2) applies to the undertaking of the prescribed activity on the premises unless the amending subordinate local law declares that section 6(2) does not apply to the undertaking of the prescribed activity on the premises.
- (3) Subsection (4) applies if, for an advertising device—
  - (a) immediately before the commencement of the amending local law and the amending subordinate local law, a person was undertaking the prescribed activity of the installation of an advertising device on premises and the undertaking of the prescribed activity on the premises complied with the conditions for the undertaking of the prescribed activity on the premises specified in *Subordinate Local Law No. 1 (Administration) 2015*, schedule 10, section 2(2); but
  - (b) on the commencement of the amending local law and the amending subordinate local law, the advertising device is a prohibited advertising device, as defined in *Subordinate Local Law No. 1 (Administration) 2015*, schedule 10, section 15.
- (4) From the commencement of the amending local law and the amending subordinate local law, *Noosa Shire Council Local Law No. 1 (Administration) 2015*, section 6(6) applies to the advertising device.

## 16 Application for approval for prescribed activity

- (1) This section applies if, immediately before the commencement of the amending local law and the amending subordinate local law—
  - (a) an application for the local government's approval for the undertaking of the prescribed activity of the installation of an advertising device on premises was made; and
  - (b) the application has not been decided.



- (2) The application must continue to be dealt with and decided under the authorising local law and the subordinate local law as in force immediately before the commencement of the amending local law and the amending subordinate local law.

## **17 Proceeding about the prescribed activity**

A proceeding about the undertaking of the prescribed activity of the installation of an advertising device on premises under the authorising local law started before the commencement of the amending local law and the amending subordinate local law may be continued under the authorising local law as if the amending local law and the amending subordinate local law had not commenced.

## **18 Definitions for part**

In this part—

*amending local law* see section 12;

*amending subordinate local law* see section 12.

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