



Thuringowa City Council

## **Subordinate Local Law No. 21 (Control of Advertising) 2005**

Correct as of 2 August 2005  
(Subordinate Local Law not amended up to this date)



Thuringowa City Council

# Subordinate Local Law No. 21 (Control of Advertising) 2005

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## **Subordinate Local Law No. 21 (Control of Advertising) 2005**

[correct as of 2 August 2005]

### **Part 1 Preliminary**

#### **1 Short title**

This subordinate local law may be cited as *Subordinate Local Law No. 21 (Control of Advertising) 2005*.

#### **2 Object**

The object of this subordinate local law is to provide the detailed information called upon by *Local Law No. 21M (Control of Advertising)* to ensure that advertisements and associated structures complement or, at least, do not unreasonably detract from, desirable characteristics of the natural and built environment in which the advertisements are exhibited.

#### **3 Definitions**

The dictionary in the Schedule defines particular words used in this subordinate local law.

#### **4 Application**

This subordinate local law only applies to a State-controlled road with the written approval of the chief executive in accordance with section 66(5)(b) of the *Transport Operations (Road Use Management) Act 1995*.

### **Part 2 Permitted advertisements**

#### **5 Purpose of pt 2**

The purpose of this Part is to classify advertisements as permitted advertisements for the purpose of section 5(1)(a) of the Local Law.

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## **6 Classification of advertisements**

If the following advertisements comply with the prescribed criteria in Part 3 and the conditions in Part 4 for the advertisement, the advertisement will be a permitted advertisement—

- (a) election signs; and
- (b) real estate signs.

## **Part 3 Criteria for the classification of permitted advertisements**

### **7 Purpose of pt 3**

The purpose of this Part is to specify the criteria by which an advertisement is classified as a permitted advertisement for the purpose of section 5(1)(a) of the Local Law.

### **8 Criteria for the classification of election signs**

An election sign will be a permitted advertisement if it complies with the following criteria—

- (a) the face of an election sign must not exceed an area of  $0.75\text{m}^2$ ; and
- (b) an election sign must be constructed of lightweight material and supported on lightweight supports; and

*Example of lightweight material—*

Cored plastic.

*Example of lightweight supports—*

Softwood timber stakes.

- (c) the content of an election sign is limited to—
  - (i) if the election sign relates to a state or federal referendum—

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- (A) details of the advertiser, including contact details; and
- (B) details of the advertiser's policy; and
- (C) photograph of the advertiser; and
- (D) the advertiser's logo; or
- (ii) for any other election sign—
  - (A) details of the candidate, team or political party, including contact details; and
  - (B) details of the candidate's team's or political party's policy; and
  - (C) photograph of the candidate, team or political party; and
  - (D) the candidate's, team's or political party's logo.

**9 Criteria for the classification of real estate signs**

- (1) A real estate sign will be a permitted advertisement if it complies with the following criteria—
  - (a) the content of a real estate sign is limited to—
    - (i) details of what is being offered; and
    - (ii) details of the property the subject of the offer; and
    - (iii) if the advertiser is a real estate agent—the real estate agent's name, logo and contact details; and
    - (iv) if the real estate sign is a real estate directional sign—
      - (A) an indication of the direction or distance to the property the subject of the offer; and
      - (B) the times the property the subject of the offer is open for inspection or will be auctioned.

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(2) In addition to subsection (1), a real estate sign, excluding a real estate directional sign, will be a permitted advertisement if it complies with the following criteria—

- (a) the face of a real estate sign must not exceed—
  - (i) if the real estate sign is exhibited in the residential or rural planning area—1.3m<sup>2</sup> in area; or
  - (ii) if the real estate sign is exhibited in any other planning area—3m<sup>2</sup> in area; and
- (b) a real estate sign must be constructed of lightweight material and supported on lightweight supports.

*Example of lightweight material—*

Cored plastic.

*Example of lightweight supports—*

Softwood timber stakes.

(3) In addition to subsection (1), a real estate directional sign will be a permitted advertisement if it complies with the following criteria—

- (a) a real estate directional sign may be any of the following types of signs—
  - (i) single sided sign; or
  - (ii) double sided sign; or
  - (iii) A-frame mounted sign; and
- (b) a real estate directional sign must not exceed the following dimensions—
  - (i) 600mm in width; and
  - (ii) 900mm in height.



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- (c) an advertiser must not exhibit more than 2 election signs at the one property; and
  - (d) an advertiser must not exhibit an election sign by attaching, in any manner, the election sign to vegetation; and
  - (e) an advertiser must ensure that the exhibition of an election sign does not—
    - (i) cause a nuisance; or
    - (ii) result in a loss of amenity; or
    - (iii) constitute a risk to road safety; and
  - (f) an election sign may only be exhibited during the election's polling period; and
  - (g) an advertiser of an election sign must notify, by written notice (a ***notification notice***), the local government of the proposed exhibition of the election sign in accordance with Part 5; and
  - (h) an advertiser must exhibit an election sign in accordance with the notification notice for the election sign; and
  - (i) an election sign may not be exhibited on a property's corner truncation.
- (2) For subsection (1)(c), an election sign relating to more than one candidate must be considered as an election sign for each candidate.

**12 Conditions on which real estate signs are classified as permitted advertisements**

- (1) The following conditions are the conditions on which real estate signs, excluding real estate directional signs, are classified as permitted advertisements—
- (a) a real estate sign must not be exhibited on a road or Council land; and

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- (b) subject to paragraph (e), a real estate sign may be exhibited inside or outside of the boundary of the property the subject of the real estate sign; and
- (c) a real estate sign may only be exhibited outside the boundary of the property the subject of the real estate sign if—
  - (i) the real estate sign would be obscured by vegetation or anything else if it was located on the inside of the property boundary; and
  - (ii) the real estate sign is located within 1m of the boundary of the property; and
  - (iii) the real estate sign is not exhibited on a paved walkway or cycleway; and
  - (iv) the real estate sign's support posts are not driven more than 250mm into the ground; and
- (d) subject to paragraph (e), an advertiser may only exhibit one real estate sign on each boundary of the property the subject of the real estate sign; and
- (e) a real estate sign may only be exhibited on a boundary of the property the subject of the real estate sign if—
  - (i) the boundary fronts a road; and
  - (ii) the boundary is not a corner truncation; and
- (f) an advertiser must not exhibit a real estate sign by attaching in any manner the real estate sign to vegetation; and
- (g) an advertiser may only exhibit real estate signs for the property the subject of the real estate sign from the time the property is offered for sale, exchange or letting; and
- (h) an advertiser must remove a real estate sign within 7 days of the completion of the sale, exchange or letting; and



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- (ii) the period in which the election sign will be exhibited;  
and
  - (iii) the locations at which the election sign will be exhibited at, including the number of election signs to be exhibited at that location; and
  - (iv) how the election sign will be exhibited at the location;  
and
- (d) the prescribed notification fee fixed by resolution; and
- (e) the prescribed security deposit to cover any costs associated with the local government performing work under section 16(1) of the Local Law.
- (2) The notification notice must be given to the local government 3 business days prior to the advertiser exhibiting the election sign.

## Schedule Dictionary

section 3

***candidate*** means—

- (a) councillor candidate; and
- (b) federal candidate; and
- (c) mayoral candidate; and
- (d) state candidate.

***Council land*** means land under the control, management or ownership of the local government.

***councillor candidate*** means a candidate for the office of councillor of the local government.

***election*** means—

- (a) a local government election; and
- (b) a federal election; and
- (c) a state election; and
- (d) a state or federal referendum.

***election sign*** means a sign that is able, or is intended—

- (a) to influence a person about voting at an election; or
- (b) to affect the result of an election.

***electoral district*** means electoral district as defined under the *Electoral Act 1992*.

***electoral division*** means division as defined under the *Commonwealth Electoral Act 1918*.

***federal candidate*** means a candidate of a federal election.

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***federal election*** includes a general election, House of Representatives election and Senate election as defined under the *Commonwealth Electoral Act 1918*.

***federal referendum*** means referendum as defined under the *Referendum (Machinery Provisions) Act 1984 (Cth)*.

***local government area*** means local government area as defined under the *Local Government Act 1993*.

***local government division*** means division as defined under the *Local Government Act 1993*.

***local government election*** means election as defined under the *Local Government Act 1993*.

***local government road*** means a road under the *Local Government Act 1993*.

***mayoral candidate*** means a candidate for the office of mayor of the local government.

***notification notice*** see section 11(1)(g).

***planning area*** means a planning area as defined under the local government's planning scheme.

***polling period*** means the period between—

- (a) 28 days before the day of the election; and
- (b) 7 days after the day of the election.

***real estate directional sign*** means a free standing sign exhibited on the road reserve indicating the direction to an open inspection or on-site auction of a property.

***real estate sign***—

- (a) means a sign exhibited at a property advertising the property is for auction, exchange, letting, sale, tender or the like; and
- (b) includes a real estate directional sign.

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***residential planning area*** means the residential planning area as defined under the local government's planning scheme.

***road*** includes—

- (a) a local government road; and
- (b) a State-controlled road.

***rural planning area*** means the rural planning area as defined under the local government's planning scheme.

***state candidate*** means candidate as defined under the *Electoral Act 1992*.

***state election*** means election as defined under the *Electoral Act 1992*.

***state referendum*** means referendum as defined under the *Referendums Act 1997*.

***State-controlled road*** see the *Transport Infrastructure Act 1994*, Schedule 6.

## **CERTIFICATION**

This and the preceding 15 pages bearing my initials is a certified copy of *Subordinate Local Law No. 21 (Control of Advertising) 2005*, made in accordance with the provisions of the *Local Government Act 1993*, by Thuringowa by resolution dated 2 August 2005.

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**Lyn Russell  
Chief Executive Officer  
Thuringowa City Council**