



Signs

Local Law 2023

Moreton Bay City Council Signs Local Law 2023

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Moreton Bay City Council Signs Local Law 2023

Part 1 Preliminary

Division 1 Introductory provisions

1 Short title

This Local Law may be cited as the *Signs Local Law 2023*.

Division 2 Object and achievement of Local Law

2 Object

The object of this Local Law is to regulate the installation and display of regulated signs on public land and private land in the local government area to—

- (a) avoid, where possible, or minimise risks—
 - (i) to public health and safety; and
 - (ii) to road safety; and
 - (iii) of environmental harm; and
- (b) preserve fitness for use and visual amenity of public land.

3 How object of Local Law is to be achieved

The object of this Local Law is to be achieved by—

- (a) allowing a self-assessable sign to be installed and displayed without an approval where minimum conditions are satisfied; and
- (b) establishing a framework to grant approvals for licensable signs; and
- (c) providing mechanisms for enforcement where there is non-compliance with conditions of an approval or provisions of this Local Law.

Division 3 Interpretation

Subdivision 1 Dictionary

4 Definitions

The dictionary in Schedule 2 defines particular words used in this Local Law.

Subdivision 2 Key concepts

5 Regulated sign

- (1) Subject to subsection (2), a **regulated sign** is a sign that is—
- (a) located on public land or private land; and
 - (b) designed to advertise to the public or attract public attention.
- (2) However, a **regulated sign** does not include—
- (a) an election sign; or
 - (b) a permanent sign; or
 - (c) a public facility directional sign; or
 - (d) a statutory sign; or
 - (e) a vehicle sign.

- (3) In this section—

election sign has the same meaning as in the *Election Signs Local Law 2019*.

permanent sign means—

- (a) a sign installed and displayed on public land or private land in a manner that constitutes development; or
- (b) a sign installed and displayed on public land in a manner that cannot be readily removed or relocated.

public facility directional sign means a sign which—

- (a) provides directional assistance to locate a non-commercial community service; and
- (b) advises of services on a road ahead or on a side road; and
- (c) is necessary to inform a significant number of persons who may be unfamiliar with the area.

Example of a public facility directional sign—

- *A sign advising persons of a rest stop.*

statutory sign means a sign which is installed and displayed by a person in accordance with a requirement under an Act.

vehicle sign means a sticker, signwriting or other wrapping on a vehicle that advertises goods or services in circumstances where the use of the vehicle is not for the primary purpose of advertising the goods or services.

6 Self-assessable sign

A **self-assessable sign** means a regulated sign that—

- (a) is of a type listed in Schedule 1, table 1, column 1; and
- (b) is installed and displayed at the location specified in Schedule 1, table 1, column 2 for the relevant type of sign; and
- (c) satisfies the minimum conditions specified in Schedule 1, table 1, column 3 for the relevant type of sign.

7 Licensable sign

A *licensable sign* means a regulated sign that is not a self-assessable sign.

Division 4 Operation of Local Law

8 Relationship with other Acts

This Local Law is in addition to and does not derogate from—

- (a) any other laws that may regulate—
 - (i) the use or development of land; and
 - (ii) the use of roads; and
 - (iii) buildings and structures; and
- (b) any provision of the *Local Government Act 2009*.

Part 2 Licensable sign approvals

Division 1 What this part is about

9 Overview

This part details—

- (a) the circumstances in which an approval is required to install and display a regulated sign; and
- (b) the procedure for obtaining an approval to install and display a regulated sign under this Local Law.

Division 2 Approvals

Subdivision 1 Application process

10 Need for approval

- (1) Subject to subsection (2), a person must obtain an approval under this part to install and display a licensable sign on private land or public land (*approval*).
- (2) An approval is not required under this part to install and display a self-assessable sign.

11 Making an application

- (1) An application for an approval (*application*) must be—
 - (a) made in the form prescribed by the local government; and
 - (b) accompanied by—
 - (i) the documents required by the prescribed form; and

- (ii) the prescribed fee for the application.
- (2) If the application relates to a licensable sign on private land, the application must be accompanied by the written consent of the owner of the place, to the extent that the applicant is not the owner.
- (3) The local government—
 - (a) must accept an application that the local government is satisfied complies with subsections (1) and (2); and
 - (b) must not accept an application unless the local government is satisfied the application complies with subsection (2); and
 - (c) may accept an application that the local government is satisfied does not comply with subsection (1).
- (4) An application that complies with subsections (1) or (2), or that the local government accepts under subsection (3)(c), is a properly made application (*properly made application*).
- (5) The local government may prescribe forms for this Local Law.

Subdivision 2 Timeframes for deciding applications

12 Timeframe for deciding applications when no further information is needed

- (1) This section applies if the local government—
 - (a) receives a properly made application; and
 - (b) does not require any further information in relation to the application.
- (2) The local government must decide the application within 21 business days of receiving it, or a further period agreed with the applicant.

13 Timeframe for deciding applications when further information is needed

- (1) This section applies if the local government—
 - (a) receives a properly made application; and
 - (b) requires further information in relation to the application.
- (2) The local government may make an information request to the applicant within 21 business days of receiving the application, or a further period agreed with the applicant.
- (3) An applicant must respond to an information request within 10 business days of receiving it, or a further period agreed with the local government (*information request response period*).
- (4) The local government must decide the application within 21 business days of the earlier of—
 - (a) an information request response being received; or
 - (b) the information request response period ending.
- (5) In this section—

information request means a notice to the applicant, requiring them to provide further information or documents in relation to the properly made application.

information request response means a response to an information request.

14 Timeframe for dealing with applications that are not properly made

If the local government receives an application which is not a properly made application, the local government must—

- (a) provide the applicant with written notice to that effect within 21 business days of receiving the application, or a further period agreed with the applicant; and
- (b) take no further action in relation to the application.

Subdivision 3 Deciding an application

15 Deciding an application

- (1) The local government must, after carrying out an assessment of a properly made application, decide to—
 - (a) approve the application; or
 - (b) approve the application, but impose conditions on the approval; or
 - (c) refuse the application.
- (2) The local government may refuse an application under subsection (1)(b) if it considers that approving the application would be inconsistent with the object of this Local Law.
- (3) For a decision made under subsection (1), the local government must give a decision notice to the applicant.

16 Effect of failure to decide application on time

The local government is taken to have refused an application if the local government fails to decide a properly made application in accordance with—

- (a) section 12(2); or
- (b) section 13(4).

17 Third-party certification

- (1) In deciding an application under this part, the local government may accept the certificate of a third-party certifier as evidence about any application requirement that is mentioned in a Subordinate Local Law for this subsection.

- (2) In this section—

application requirement means a matter that the local government must be satisfied about, or have regard to, before granting an application for approval under this Local Law.

third-party certifier means—

- (a) an individual or organisation declared under a Subordinate Local Law for this paragraph as a third-party certifier for particular application

requirements; or

- (b) an individual or organisation that has the qualifications prescribed under a Subordinate Local Law for this paragraph as necessary to provide a certificate about particular application requirements.

18 Permitted conditions

Any condition imposed on an approval must relate to the object of this Local Law.

19 Term of approval

An approval is valid for the term specified in the approval.

Subdivision 4 Administering approvals

20 Definitions for this subdivision

In this subdivision—

show cause notice means a written notice stating—

- (a) the proposed action; and
- (b) the grounds for the proposed action; and
- (c) an outline of the facts and circumstances that are the basis of the grounds; and
- (d) if the proposed action is a suspension of the approval— the proposed suspension period; and
- (e) that the approval holder may make written submissions within the stated reasonable time as to why the proposed action should not be taken.

21 Renewal and transfer of approval

- (1) Subject to subsections (4) and (5), an approval holder may, before the end of the term of the approval granted under section 15 (the *existing approval*), apply to the local government to transfer the approval (*transfer application*), or renew the approval (*renewal application*).
- (2) An application under this section must be—
 - (a) made in the form prescribed by the local government; and
 - (b) accompanied by—
 - (i) the documents required by the prescribed form; and
 - (ii) the prescribed fee for the application.
- (3) For a transfer application, the approval holder must apply together with the person to whom the approval is proposed to be transferred (*proposed transferee*).
- (4) An approval holder may not apply to renew an existing approval where the local government has given the approval holder written notice that the existing approval is not renewable.
- (5) An approval holder may not apply to transfer an existing approval where the local government has given the approval holder written notice that the existing approval

is not transferable.

- (6) For a renewal application, the local government may determine the term of the renewal.
- (7) Subdivision 2 applies to a renewal application or a transfer application as if it were a properly made application.
- (8) The local government must, after carrying out an assessment of a renewal application or transfer application, decide to—
 - (a) grant the application; or
 - (b) grant the application and amend the conditions of the existing approval; or
 - (c) refuse the application.
- (9) In deciding a renewal application or a transfer application under subsection (8), the local government may have regard to—
 - (a) the object of this Local Law; and
 - (b) if the application is a renewal application— whether the conditions of the existing approval have been or are being complied with by the applicant.
- (10) For a decision made under subsection (8), the local government must give a decision notice to—
 - (a) for a renewal application— the applicant; or
 - (b) for a transfer application— the applicant and proposed transferee.
- (11) The local government may amend the conditions of the existing approval under subsection (8)(b) without following the procedure in section 23.
- (12) If an approval holder makes a renewal application, the existing approval remains in force until—
 - (a) if the renewal application is granted, with or without amendment of the conditions— the date the renewal application is granted; or
 - (b) if the renewal application is refused—
 - (i) and the applicant applies for a review of the decision under part 4— the date the applicant is given notice of the review decision; or
 - (ii) and the applicant has not applied for a review of the decision under part 4— 15 business days after the applicant is given a decision notice under subsection (10).

22 Approval holder may apply to amend conditions

- (1) An approval holder may apply to the local government to amend the conditions of the approval (*amendment application*).
- (2) An amendment application must be—
 - (a) made in the form prescribed by the local government; and
 - (b) accompanied by—

- (i) the documents required by the prescribed form; and
 - (ii) a statement of the proposed amendment and reasons for it; and
 - (iii) the prescribed fee.
- (3) Sections 12 and 13 apply to an amendment application as if it were a properly made application.
- (4) The local government must, after carrying out an assessment of an amendment application, decide to—
 - (a) grant the application; or
 - (b) refuse the application.
- (5) In deciding an amendment application under subsection (4), the local government may have regard to—
 - (a) the object of this Local Law; and
 - (b) whether the conditions of the existing approval have been or are being complied with by the applicant.
- (6) For a decision made under subsection (4), the local government must give a decision notice to the applicant.
- (7) The local government may amend the conditions of the approval under this section without following the procedure in section 23.

23 Local government may amend, suspend or cancel approval

- (1) This section applies if the local government is satisfied that one of the following grounds for amending, suspending or cancelling an approval exists—
 - (a) amendment, suspension or cancellation is necessary—
 - (i) for the protection of public health or safety; or
 - (ii) to prevent environmental harm; or
 - (iii) to prevent property damage or loss of amenity; or
 - (iv) to allow for works on public land; or
 - (v) to improve access to a road; or
 - (vi) to improve efficiency of vehicle or pedestrian traffic; or
 - (b) another approval required for the licensable sign under an Act has been suspended or cancelled; or
 - (c) in installing or displaying the licensable sign, the approval holder has failed to comply with an Act; or
 - (d) the approval holder has failed to comply with a condition of the approval; or
 - (e) the approval holder has failed to comply with—
 - (i) a direction under section 34; or
 - (ii) a compliance notice; or
 - (iii) a stop order; or

- (iv) a remediation notice; or
- (f) the approval was granted because of a document or representation that was—
 - (i) false or misleading; or
 - (ii) obtained or made in another improper way.
- (2) Before taking action to amend, suspend or cancel an approval (***proposed action***), the local government must give the approval holder a show cause notice.
- (3) If a show cause notice is issued, the approval holder may, within a stated reasonable time of at least 15 business days after the notice is given (***stated reasonable time***), make written submissions to the local government as to why the proposed action should not be taken.
- (4) Notwithstanding subsection (3), where the approval holder consents or agrees to the proposed action, they may waive their right to provide written submissions within the stated reasonable time.
- (5) The local government must consider all submissions made in accordance with subsection (3).
- (6) If the local government decides that—
 - (a) a ground under subsection (1) no longer exists to take the proposed action, the local government must take no further action in respect of the show cause notice; or
 - (b) a ground exists to take the proposed action, the local government may—
 - (i) if the proposed action was to amend the approval— amend the approval; or
 - (ii) if the proposed action was to suspend the approval— suspend the approval for no longer than the period stated in the notice; or
 - (iii) if the proposed action was to cancel the approval— amend the approval, suspend it for a period or cancel it.
- (7) For any decision made under subsection (6), the local government must give a decision notice to the approval holder.
- (8) This section does not limit the power a local government may have apart from this section to amend, suspend or cancel an approval.

24 Procedure for immediate suspension of approval

- (1) Despite section 23, the local government may immediately suspend an approval if the local government believes that the installation and display of the licensable sign poses—
 - (a) an urgent and serious threat to public health or safety; or
 - (b) an urgent and serious risk of environmental harm, property damage or loss of amenity; or
 - (c) a serious obstruction to urgent works on public land; or

- (d) a serious or urgent threat to safety of vehicle or pedestrian traffic.
- (2) The local government must give a notice to the approval holder about the decision to immediately suspend the approval (*suspension notice*), together with a show cause notice about the proposed action under section 23.
- (3) The suspension operates immediately upon the notices in subsection (2) being given to the approval holder.
- (4) The suspension continues to operate until the earliest of the following occurs—
 - (a) the local government cancels the suspension; or
 - (b) the local government gives the approval holder a decision notice under section 23(7) for a decision made under section 23(6); or
 - (c) 15 business days have passed since the expiry of the stated time for the making of written submissions regarding the show cause notice; or
 - (d) 15 business days have passed since the approval holder notifies the local government that it has made its final written submissions regarding the show cause notice.

Part 3 Offences and enforcement

Division 1 What this part is about

25 Overview

This part outlines—

- (a) offences relating to this Local Law; and
- (b) the enforcement mechanisms that can be utilised by the local government; and
- (c) offence proceedings in the Magistrates Court; and
- (d) defences for offences against this Local Law.

Division 2 Offences

26 Install or display a sign in contravention of minimum conditions

- (1) This section applies to a person who installs or displays a regulated sign of a type listed in Schedule 1, table 1, column 1 at the location specified in Schedule 1, table 1, column 2 for the relevant type of sign.
- (2) A person must comply with the minimum conditions specified in Schedule 1, table 1, column 3 for the relevant type of sign.
Maximum penalty— 30 penalty units.
- (3) For subsection (1), a person installs or displays a sign if the person—
 - (a) is responsible for installing or displaying the sign; or
 - (b) is being promoted on the sign; or

- (c) is responsible for the business, event or activity being promoted on the sign; or
 - (d) is the owner or occupier of private land on which a sign is being displayed.
- (4) A person does not commit an offence under subsection (1) if the person has an approval to install or display the sign in a manner that does not comply with the minimum conditions listed in Schedule 1, table 1, column 3.

27 Install or display a licensable sign without approval

- (1) A person must not install or display a licensable sign on private land or public land without an approval.

Maximum penalty— 50 penalty units.

- (2) For subsection (1), a person installs or displays a licensable sign if the person—
- (a) is responsible for installing or displaying the licensable sign; or
 - (b) is being promoted on the licensable sign; or
 - (c) is responsible for the business, event or activity being promoted on the licensable sign; or
 - (d) is the owner or occupier of private land on which a licensable sign is being displayed.

28 Failure to comply with conditions of an approval

A person must not contravene an approval.

Maximum penalty— 50 penalty units.

29 Providing false or misleading information

A person must not give information in connection with this Local Law (either orally or in a document) that the person reasonably knows or ought to have known is false or misleading.

Maximum penalty— 20 penalty units.

30 Threatening an authorised person

A person must not threaten, insult or use abusive language to an authorised person.

Maximum penalty— 50 penalty units.

31 Attempts to commit offences

- (1) A person who attempts to commit an offence under this Local Law commits an offence.

Maximum penalty— half the maximum penalty for committing the offence.

- (2) The provisions of the *Criminal Code* (relevant to attempts to commit offences) apply to the attempt.

32 Liability of third parties

- (1) Any person involved in a contravention of this Local Law commits an offence.
Maximum penalty— the penalty for which any person who committed the contravention would be liable.
- (2) For subsection (1), a person involved in a contravention of this Local Law is any person who—
 - (a) has aided, abetted, counselled or procured the contravention; or
 - (b) has induced, whether by a threat or a promise or otherwise, the contravention; or
 - (c) has been in any way, directly or indirectly, knowingly concerned in, or party to, the contravention; or
 - (d) has conspired with another person to effect the contravention; or
 - (e) has knowingly benefited from or knowingly was capable of benefiting from the contravention.

Division 3 Powers of the local government

33 Appointment of authorised persons

The document that appoints an authorised person must state this Local Law, or the provisions of this Local Law, as the Local Law or the provisions for which the person is appointed as an authorised person.

34 Directions generally

- (1) An authorised person may direct a person contravening this Local Law to—
 - (a) cease any conduct or activity which contravenes this Local Law; and
 - (b) take such action determined by the authorised person to ensure that the person does not contravene this Local Law.
- (2) A person must comply with a direction of an authorised person given under subsection (1).
Maximum penalty for subsection (2)— 50 penalty units.

35 Production of records

- (1) This section applies where an authorised person has entered a property under the *Local Government Act 2009* to find out whether the conditions of an approval have been complied with.
- (2) The authorised person may require the occupier of the property or another relevant person to produce for inspection records that are required by the conditions of an approval.
- (3) A person must comply with a requirement under subsection (2), unless the person has a reasonable excuse.
Maximum penalty— 10 penalty units.
- (4) In this section—

occupier of the property includes a person who reasonably appears to be the occupier of, or in charge of, the property.

property has the same meaning as in the *Local Government Act 2009*.

36 Compliance notice for contravention of Local Law

- (1) This section applies if a person contravenes this Local Law.
- (2) An authorised person may give a notice, in writing (***compliance notice***), to—
 - (a) a person who contravenes this Local Law; or
 - (b) any person involved in the contravention of this Local Law under section 32.
- (3) The compliance notice may require a person to—
 - (a) stop a contravention, if the contravention is of a continuing or recurring nature; or
 - (b) take reasonable steps necessary to stop or remedy the contravention, by the date and time specified in the compliance notice, whether or not the contravention is of a continuing or recurring nature.
- (4) The compliance notice must state the following—
 - (a) the particular provision of this Local Law the authorised person believes is being, or has been, contravened; and
 - (b) briefly, how the provision of this Local Law is being, or has been, contravened; and
 - (c) the date and time by which the person must stop or remedy the contravention; and
 - (d) the reasonable steps necessary to remedy the contravention or avoid further contravention; and
 - (e) that it is an offence to fail to comply with the compliance notice; and
 - (f) the maximum penalty for failing to comply with the compliance notice.

Examples of reasonable steps to avoid further contravention in paragraph (d)—

 - *The repetition of a specified action at stated intervals for a certain period.*
 - *Stopping taking an action that is prohibited by this Local Law.*
- (5) The date and time under subsection (4)(c) must be reasonable having regard to—
 - (a) the action required to stop or remedy the contravention; and
 - (b) the risk to public health and safety, the risk to road safety, the risk of damage to property, the risk of impacts on fitness for use of public land or loss of amenity and the risk of environmental harm posed by the contravention; and
 - (c) how long the person has been aware of the contravention.
- (6) The compliance notice must include, or be accompanied by, a decision notice.
- (7) A person who is given a compliance notice must comply with the compliance notice.

Maximum penalty for subsection (7)— 50 penalty units.

Note—

a compliance notice may be a remedial notice under the Local Government Act 2009, chapter 5, part 2, division 2.

37 Stop orders

- (1) This section applies if a person is installing or displaying a regulated sign.
- (2) An authorised person may give a relevant person an order to immediately stop installing or displaying the regulated sign, if the authorised person believes that the installation or continued display of the regulated sign causes, exacerbates or impedes the local government's ability to respond to—
 - (a) an urgent and serious threat to public health or safety; or
 - (b) an urgent and serious risk of environmental harm, property damage or loss of amenity; or
 - (c) a serious obstruction to urgent works on public land; or
 - (d) a serious obstruction of access to a road; or
 - (e) a serious or urgent threat to the safety of vehicle or pedestrian traffic; or
 - (f) a serious obstruction to the use of the public land for its intended purpose.
- (3) An order under this section—
 - (a) may be given orally or in writing; and
 - (b) operates until the earliest of the following happens—
 - (i) the expiry of the period, of no more than 5 business days, specified by the authorised person when the order is given; or
 - (ii) where there is an approval— the local government immediately suspends the approval under section 24.
- (4) An authorised person must confirm an oral order in writing by the next business day following the giving of the order.
- (5) A person who receives an order under this section must comply with the order.
Maximum penalty for subsection (5)— 50 penalty units.
- (6) This section does not affect the local government's powers under another law.

38 Local government power to seize and cost recover

- (1) An authorised person may seize, by dismantling if necessary, and impound a regulated sign where the regulated sign has been brought onto or installed in, on, across, under or over private land or public land within the local government area in a manner that contravenes this Local Law, if—
 - (a) in the reasonable opinion of the authorised person, the immediate removal of the regulated sign is necessary in the interests of public health or safety or to prevent environmental harm, property damage or loss of amenity; or

- (b) a person has not complied with a compliance notice requiring the person to remove the regulated sign; or
 - (c) in the reasonable opinion of the authorised person, the regulated sign is a low-value sign.
- (2) The local government may recover the cost of action taken under this section as a debt from the person responsible for the regulated sign seized under subsection (1) being brought onto or installed in, on, across, under or over private land or public land within the local government area.

39 Dealing with seized and impounded regulated signs

- (1) This section applies where a regulated sign has been seized and impounded under section 38 (an *impounded regulated sign*).
- (2) If an impounded regulated sign is, in the reasonable opinion of an authorised person, perishable or is a low-value sign, then the local government may immediately dispose of it as the chief executive officer directs.
- (3) If the local government possesses an impounded regulated sign then a person may reclaim that impounded regulated sign from the local government by—
 - (a) making a written application to the chief executive officer to reclaim the impounded regulated sign; and
 - (b) producing proof, to the satisfaction of the chief executive officer, that the person is the owner of the impounded regulated sign; and
 - (c) paying the prescribed fee for the impounding of the impounded regulated sign.
- (4) If an impounded regulated sign is not reclaimed under subsection (3) within 20 business days of the regulated sign being seized and impounded under section 38, that regulated sign is forfeited to the local government.
- (5) If an impounded regulated sign has been forfeited to the local government under subsection (4), then the local government may dispose of that impounded regulated sign—
 - (a) if, in the reasonable opinion of the authorised person, the commercial value of the impounded regulated sign is so slight that it would not cover the reasonable cost of seizing, impounding and selling the impounded regulated sign— as the chief executive officer directs; or
 - (b) by sale through a public auction; or
 - (c) if the impounded regulated sign has been offered for sale under paragraph (b) but has not been sold within a period that, in the reasonable opinion of the authorised person, is reasonable for the sale of that type of regulated sign— as the chief executive officer directs.
- (6) Where an impounded regulated sign has been sold under this section, the proceeds of the sale must be applied in order—
 - (a) firstly, towards the direct and indirect costs of the sale; and
 - (b) secondly, towards the local government in an amount equivalent to the prescribed fee for the impounding of the impounded regulated sign as if it was to be reclaimed under subsection (3); and

- (c) thirdly, if there is an amount owing to an entity under a security interest registered for the property under the *Personal Property Securities Act 2009* (Cth)— in payment of the amount owing under the security interest; and
 - (d) fourthly, to the former owner of the impounded regulated sign.
- (7) If no person establishes a valid claim for the amount to which the former owner of an impounded regulated sign that has been sold under this section is entitled to under subsection (6)(d) within 3 months of the date of that entitlement arising, the amount becomes the property of the local government.
- (8) Except where expressly stated, the local government incurs no liability to a person, and no person has any claim for relief or compensation against the local government, in respect of any action taken by the local government under this section or section 38, if the local government has acted in good faith and without negligence.

40 Remediation notice

- (1) This section applies where—
- (a) a regulated sign is installed and displayed on public land; and
 - (b) the installation and display of the regulated sign has caused damage to the public land which has not been adequately rectified or reinstated by the relevant person.
- (2) Where an authorised person reasonably believes a person has installed and displayed a regulated sign which has caused damage to the public land, the authorised person may give the relevant person a notice to remediate the public land.
- (3) Where an authorised person reasonably believes a person has installed or displayed a regulated sign that has caused public land to become unsafe, the authorised person may give the person a notice to make safe the public land.
- (4) A notice under subsection (2) or subsection (3) is a **remediation notice**.
- (5) A remediation notice must—
- (a) be given in writing; and
 - (b) specify, with sufficient detail, the way in which the public land the subject of the notice must be remediated; and
 - (c) specify a reasonable amount of time for public land the subject of the notice to be remediated; and
 - (d) include, or be accompanied by, a decision notice.
- (6) A person who receives a remediation notice must comply with the remediation notice.

Maximum penalty for subsection (6)— 50 penalty units.

41 Power to take action required under a notice to act

- (1) This section applies if—
- (a) a person (the **responsible person**) is given either a compliance notice, a

- stop order or a remediation notice (a **notice to act**); and
- (b) the responsible person failed to take action required under the notice to act within the time specified in that notice.
- (2) The local government may take the action required to have been taken by the responsible person who failed to take action under the notice to act.
 - (3) The local government may recover the amount that the local government properly and reasonably incurs in taking the action as a debt payable by the responsible person.
 - (4) The local government must give the responsible person who failed to take action a notice of the amount of the debt.

Division 4 Offence proceedings in Magistrates Court

42 Enforcement orders

- (1) After hearing proceedings for an offence against this Local Law, a Magistrates Court may make an order (an **enforcement order**) for the defendant to take stated action within a stated period.
- (2) The enforcement order may be in terms the Court considers appropriate to secure compliance with this Local Law.
- (3) An enforcement order must state the period within which the defendant must comply with the order.
- (4) An enforcement order may be made under this section in addition to the imposition of a penalty.

43 Joint and several liability

- (1) Where this Local Law imposes a liability on an owner or occupier of a place, or a person engaged in a particular activity, and 2 or more persons are the owners or occupiers of the relevant place, or are jointly engaged in the relevant activity, the liability is joint and several.
- (2) This section applies both to civil liabilities and liabilities enforced by summary proceedings under the *Justices Act 1886*.

Division 5 Defences

44 Defence of reasonable excuse

If a person is charged with an offence involving a contravention of this Local Law, it is a defence to prove that the person had a reasonable excuse for the contravention.

45 Owners and occupiers must ensure compliance with this Local Law

- (1) Except where the owner and occupier of a place is the local, State or Commonwealth government, the owner and occupier of the place must ensure that an offence is not committed in or on a place.
- (2) If an offence is committed in or on a place, the owner and occupier of the place also commits an offence, namely the offence of failing to ensure that an offence is

not committed in or on the place.

Maximum penalty— the penalty for the commission of the offence in or on the place.

- (3) Evidence that an offence has been committed on a place is evidence that the owner and occupier of the place committed the offence of failing to ensure that the offence is not committed in or on the place.
- (4) However, it is a defence for an owner or occupier to prove that—
 - (a) the owner or occupier exercised reasonable diligence to ensure that an offence was not committed in or on the place; and
 - (b) the offence was committed in or on the place without that person's knowledge or consent.

Part 4 Reviewing decisions

46 Application for review

- (1) A person who is given, or is entitled to be given, a decision notice may apply to the local government for a review of the decision (a *review application*).
- (2) The review application must be made within 15 business days of—
 - (a) if the person is given a decision notice— the day the person receives the notice; or
 - (b) If paragraph (a) does not apply— the day the person otherwise becomes aware of the decision.
- (3) The review application must be in writing and accompanied by a statement of the grounds on which the applicant seeks the review of the decision.

47 Review decision

- (1) The local government must review the original decision within 20 business days of receiving a review application and make a decision (the *review decision*) to—
 - (a) confirm the original decision; or
 - (b) amend the original decision; or
 - (c) substitute another decision for the original decision.
- (2) The application must not be dealt with by—
 - (a) the person who made the original decision; or
 - (b) a person in a less senior office than the person who made the original decision unless that person was the chief executive officer.
- (3) The local government must, within 5 business days of the review decision being made, give the applicant notice of the decision (the *review notice*).
- (4) If the review decision is not the decision sought by the applicant, the review notice must also state the reasons for the review decision.
- (5) If the local government does not give the review notice to the applicant in accordance with subsection (3), the local government is taken to have made a review decision confirming the original decision.

48 Stay of operation of original decision

A review application does not stay the original decision that is the subject of the application.

Part 5 Administrative provisions

49 Fees

- (1) If this Local Law provides for payment of a fee, and does not itself fix the amount of the fee, the fee is to be fixed by resolution under the *Local Government Act 2009*, chapter 4, part 2.
- (2) A resolution fixing a fee may provide for the reimbursement of the fee in appropriate circumstances.
- (3) Unless specific provision to the contrary is made in this Local Law or resolution fixing a fee, the local government may, in an appropriate case, waive or partially remit a fee.

50 Rewards

- (1) The local government may, by public notice, offer a reward for information leading to the conviction of a person for an offence against this Local Law.
- (2) The amount of the reward, and the conditions on which it is payable, must be decided by resolution of the local government.

51 Subordinate Local Laws

The local government may make Subordinate Local Laws—

- (a) about any application requirement for which a third-party certifier's certificate may be accepted by the local government under section 17(1); and
- (b) declaring an individual or organisation as a third-party certifier for particular application requirements under section 17(2)(a); and
- (c) prescribing qualifications necessary for an individual or organisation to provide a certificate about particular application requirements under section 17(2)(b).

52 Extrinsic material

- (1) The local government may make an explanatory note to assist in the interpretation of this Local Law.
- (2) The local government makes an explanatory note by—
 - (a) passing a resolution to make the explanatory note; and
 - (b) publishing the explanatory note on the local government's website.
- (3) An explanatory note made in accordance with this section is declared to be a relevant document for the purposes of section 14B of the *Acts Interpretation Act 1954* (as modified by section 15 of the *Statutory Instruments Act 1992*).

Note—

Pursuant to part 4, division 1 of the Statutory Instruments Act 1992, the Acts Interpretation Act 1954 (AIA) is modified so that a document declared by a Local Law to be a “relevant document” for the purposes of section 14B of the AIA is extrinsic material which may assist in the interpretation of a provision of this Local Law.

53 Transitional provisions

The transitional provisions for decisions made under the repealed *Moreton Bay Regional Council Local Law No. 1 (Administration) 2011* relating to the installation of advertising devices are set out in the *Commercial Use of Public Land and Roads Local Law 2023*, part 7.

Schedule 1 Self-assessable signs

Definitions for Schedule 1

A-frame business sign means a regulated sign that is an A-frame and displays the name of a business or the goods or services provided by a business or the contact details of the business.

asset includes a tree.

building has the same meaning as in the *Building Act 1975*.

business name plate means a sign that displays the name or occupation of a business or occupier of premises.

community activity sign means a regulated sign which advertises a non-profit short-term activity or event organised by a not-for-profit organisation.

Examples of a short-term activity or event—

- *Fete.*
- *Fair.*
- *Festival.*

cross intersection means an intersection, other than a roundabout, where 2 roads meet (whether or not at right angles) and neither of the roads end.

emerging community zone means an area designated as an emerging community zone in the planning scheme.

fence advertising sign means a private land sign that is affixed to a fence or wall erected along the street boundary of the land.

Example of a fence advertising sign—

- *A business name plate.*

footpath has the same meaning as in the TORUM Act.

freestanding flag sign means a freestanding regulated sign of lightweight material that is attached to or supported by a pole with a base, including a tear drop banner or a feather banner.

garage sale sign means a regulated sign advertising a garage sale.

general residential zone means an area designated as a general residential zone in the planning scheme.

level crossing has the same meaning as in the Road Rules.

official traffic sign has the same meaning as in the TORUM Act.

pedestrian crossing has the same meaning as in the Road Rules.

planning scheme means the local government's planning scheme.

private land sign means a regulated sign located on private land.

real estate sign means a regulated sign which promotes the sale, auction, lease or letting of land or premises on land.

Road Rules means the *Transport Operations (Road Use Management—Road Rules) Regulation 2009*.

roundabout has the same meaning as in the Road Rules.

rural residential zone means an area designated as a rural residential zone in the planning scheme.

rural zone means an area designated as a rural zone in the planning scheme.

school zone has the same meaning as in the Road Rules.

sporting field fence sign means a regulated sign which is painted or otherwise fixed to a fence that marks the boundaries of a sporting field.

State-controlled road has the same meaning as in the *Transport Infrastructure Act 1994*.

T-intersection has the same meaning as in the Road Rules.

third-party advertising means the use of a regulated sign to—

- (a) display the name, logo or symbol of a business, organisation or individual that does not own or substantially occupy the land or the premises on the land on which the regulated sign is installed and displayed; or
- (b) advertise a product or service which is not available at the premises on which the regulated sign is installed and displayed; or
- (c) advertising an activity or event which does not occur on the land or the premises on the land on which the regulated sign is installed and displayed.

township zone means an area designated as a township zone in the planning scheme.

traffic control device has the same meaning as in the Road Rules.

Table 1 - Self-assessable signs and minimum conditions

Column 1 Type of self-assessable sign	Column 2 Location of self-assessable sign	Column 3 Minimum conditions
<i>A-frame business sign</i>	Public Land	<ul style="list-style-type: none"> (a) Maximum of 1 sign per business; and (b) The sign must only be displayed during the opening hours of the business; and (c) The sign must be located adjacent to the business to which the sign relates; and (d) The sign must not exceed the following dimensions— <ul style="list-style-type: none"> (i) 1m high; and (ii) 0.6m wide; and (e) The sign must not impede clear sight lines for— <ul style="list-style-type: none"> (i) official traffic signs or other road signage; or (ii) vehicles or pedestrians; or (iii) road junctions; or (iv) vehicle access crossovers; or (v) pedestrian crossings; or (vi) any other similar thing; and (f) The sign must not imitate an official traffic sign or traffic control device; and (g) If located adjacent to a road where the speed limit is— <ul style="list-style-type: none"> (i) more than 80 km per hour— the sign must be located at least 6m from the back of— <ul style="list-style-type: none"> (A) the kerb; or (B) if there is no kerb— the table drain; or (C) if there is no kerb and no table drain— the line of the roadside guide posts; or (ii) 80 km per hour or less— the sign must be located at least 3m from the back of— <ul style="list-style-type: none"> (A) the kerb; or (B) if there is no kerb— the table drain; or (C) if there is no kerb and no table drain— the line of the roadside guide posts; and (h) The sign must not obstruct access to property or cause pedestrians to need to move out from any shelter or from

		<p>a footpath; and</p> <ul style="list-style-type: none"> (i) The sign must not have any moving parts; and (j) The sign must not be illuminated or reflective; and (k) The sign must be covered by a current public liability insurance policy to the value of at least \$1 million per claim or event and evidence of insurance must be provided upon request of an authorised person.
<p><i>Community activity sign</i></p>	<p>Public Land</p>	<ul style="list-style-type: none"> (a) Maximum of 15 signs per event or activity; and (b) The sign must not exceed the following dimensions— <ul style="list-style-type: none"> (i) 1.0m high; and (ii) 0.6m wide; and (c) The sign must be installed and displayed at least 3m from any other signs; and (d) The sign must be perpendicular to any adjacent road; and (e) The sign must not be displayed for more than 14 days prior to the event or activity and must be removed within 1 day after the end of the event or activity; and (f) The sign must not be installed within 20m of a roundabout, cross intersection, school zone, level crossing, T-intersection, pedestrian crossing, official traffic sign or bus stop; and (g) The sign must not impede clear sight lines for— <ul style="list-style-type: none"> (i) official traffic signs or other road signage; or (ii) vehicles or pedestrians; or (iii) road junctions; or (iv) vehicle access crossovers; or (v) pedestrian crossings; or (vi) any other similar thing; and (h) The sign must not imitate an official traffic sign or traffic control device; and (i) If located adjacent to a road where the speed limit is— <ul style="list-style-type: none"> (i) more than 80 km per hour— the sign must be located at least 6m from the back of— <ul style="list-style-type: none"> (A) the kerb; or (B) if there is no kerb— the table drain; or (C) if there is no kerb and no table drain— the line of the roadside guide posts; or (ii) 80 km per hour or less— the sign must be located at least 3m from the back of—

		<ul style="list-style-type: none"> (A) the kerb; or (B) if there is no kerb— the table drain; or (C) if there is no kerb and no table drain— the line of the roadside guide posts; and (j) The sign must not obstruct access to property or cause pedestrians to need to move out from any shelter or from a footpath; and (k) The sign must not have any moving parts; and (l) The sign must not be illuminated or reflective; and (m) The sign must not be affixed to an asset or infrastructure owned or controlled by the local government, State government or a utility provider; and (n) The sign must be covered by a current public liability insurance policy to the value of at least \$1 million per claim or event and evidence of insurance must be provided upon request of an authorised person.
<p><i>Freestanding flag sign</i></p>	<p>Public Land</p>	<ul style="list-style-type: none"> (a) Maximum of 1 sign may be displayed for the business, event or activity to which the sign relates; and (b) The sign must be either adequately weighted or secured to a building or structure; and (c) The sign must only be displayed during the opening hours of the business, event or activity to which the sign relates; and (d) Subject to paragraph (h), the sign must be located— <ul style="list-style-type: none"> (i) adjacent to the business, event or activity to which the sign relates; and (ii) no more than 1m from the boundary of the land on which the relevant business, event or activity is located; and (e) Notwithstanding paragraph (c), the sign may be located— <ul style="list-style-type: none"> (i) adjacent to a neighbouring business with the written consent of the owner of the neighbouring business; and (ii) no more than 1m from the boundary of the land on which the neighbouring business, is located; and (f) The sign must not be installed and displayed more than 3m from ground level to the top of the sign; and (g) The sign must not impede clear sight lines for— <ul style="list-style-type: none"> (i) official traffic signs or other road signage; or (ii) vehicles or pedestrians; or (iii) road junctions; or

		<ul style="list-style-type: none"> (iv) vehicle access crossovers; or (v) pedestrian crossings; or (vi) any other similar thing; and (h) The sign must not be installed within 20m of a roundabout, cross intersection, school zone, level crossing, T-intersection, pedestrian crossing, official traffic sign or bus stop; and (i) Subject to paragraph (h), if located adjacent to a road where the speed limit is— <ul style="list-style-type: none"> (i) more than 80 km per hour— the sign must be located at least 6m from the back of— <ul style="list-style-type: none"> (A) the kerb; or (B) if there is no kerb— the table drain; or (C) if there is no kerb and no table drain— the line of the roadside guide posts; or (ii) 80 km per hour or less— the sign must be located at least 3m from the back of— <ul style="list-style-type: none"> (A) the kerb; or (B) if there is no kerb— the table drain; or (C) if there is no kerb and no table drain— the line of the roadside guide posts; and (j) The sign must not obstruct access to property or cause pedestrians to need to move out from any shelter or from a footpath; and (k) The sign must be covered by a current public liability insurance policy to the value of at least \$1 million per claim or event and evidence of insurance must be provided upon request of an authorised person.
<p><i>Garage sale sign</i></p>	<p>Public Land</p>	<ul style="list-style-type: none"> (a) Maximum of 1 sign per premises; and (b) The sign must not exceed the following dimensions— <ul style="list-style-type: none"> (i) 0.5m high; and (ii) 0.6m wide; and (iii) 0.3m²; and (c) The sign must not be displayed prior to the commencement of the garage sale and must be removed after the end of garage sale; and (d) Subject to paragraph (b), the sign must only be displayed during the hours of 6:00am and 6:00pm; and (e) Subject to paragraphs (f) and (g), the sign must be located adjacent to the premises to which the sign relates; and

		<ul style="list-style-type: none"> (f) The sign must not be installed within 20m of a roundabout, cross intersection, school zone, level crossing, T-intersection, pedestrian crossing, official traffic sign and bus stop; and (g) Subject to paragraph (f), if located adjacent to a road where the speed limit is— <ul style="list-style-type: none"> (i) more than 80 km per hour— the sign must be located at least 6m from the back of— <ul style="list-style-type: none"> (A) the kerb; or (B) if there is no kerb— the table drain; or (C) if there is no kerb and no table drain— the line of the roadside guide posts; or (ii) 80 km per hour or less— the sign must be located at least 3m from the back of— <ul style="list-style-type: none"> (A) the kerb; or (B) if there is no kerb— the table drain; or (C) if there is no kerb and no table drain— the line of the roadside guide posts; and (h) The sign must not impede clear sight lines for— <ul style="list-style-type: none"> (i) official traffic signs or other road signage; or (ii) vehicles or pedestrians; or (iii) road junctions; or (iv) vehicle access crossovers; or (v) pedestrian crossings; or (vi) any other similar thing; and (i) The sign must not imitate an official traffic sign or traffic control device; and (j) The sign must not obstruct access to property or cause pedestrians to need to move out from any shelter or from a footpath; and (k) The sign must not have any moving parts; and (l) The sign must not be illuminated or reflective; and (m) The sign must not block or compromise a person’s view from their private land; and (n) The sign must not be affixed to an asset or infrastructure owned or controlled by the local government, State government or a utility provider; and (o) The sign must be covered by a current public liability insurance policy to the value of at least \$1 million per
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		claim or event and evidence of insurance must be provided upon request of an authorised person.
<i>Private land sign</i>	Private Land	<p>(a) If the land has multiple street boundaries, 1 sign may be installed and displayed on each street boundary; and</p> <p><i>Examples for paragraph (a)—</i></p> <ul style="list-style-type: none"> • <i>If land has only 1 street boundary, then a person may install and display 1 sign on the land.</i> • <i>If land has 2 street boundaries (e.g. a corner block), a person may install and display 1 sign on each street boundary and have a total of 2 signs on the land.</i> <p>(b) The sign must not overhang or protrude from the boundary of the private land or impede clear sight lines for—</p> <ol style="list-style-type: none"> (i) official traffic signs or other road signage; or (ii) vehicles or pedestrians; or (iii) road junctions; or (iv) vehicle access crossovers; or (v) pedestrian crossings; or (vi) any other similar thing; and <p>(c) Subject to paragraph (f), the sign must not be installed and displayed more than 2m above the ground level; and</p> <p>(d) Subject to paragraphs (e) and (f), the sign must not exceed the following dimensions—</p> <ol style="list-style-type: none"> (i) 1.8m high; and (ii) 1.2m wide; and <p>(e) If the sign is a fence advertising sign, the sign must not exceed the following dimensions—</p> <ol style="list-style-type: none"> (i) if located in the general residential zone, the emerging community zone or the township zone— 0.3m²; or (ii) if located in the rural residential zone— 1m²; or (iii) if located in the rural zone— 5m²; and <p>(f) If the sign is a freestanding flag sign, the sign must not be installed and displayed more than 3m from ground level to the top of the sign; and</p> <p>(g) If the sign is not a fence advertising sign, and the sign relates to a business, activity or event— the sign must only be displayed during the opening hours of the business, event or activity to which the sign relates; and</p> <p>(h) The sign must not have any moving parts; and</p>

		<ul style="list-style-type: none"> (i) The sign must not be illuminated or reflective; and (j) The sign must not be inflatable; and (k) The sign must not be electronic; and (l) The sign must not block or compromise a person's view from their private land; and (m) The sign must not contain any third-party advertising.
<p><i>Real estate sign</i></p>	<p>Public Land</p>	<ul style="list-style-type: none"> (a) Subject to paragraph (b), 1 sign per agent marketing the land or premises on the land may be installed and displayed in front of the land or premises on the land to which the sign relates; and (b) If the land or premises on the land has multiple street boundaries, 1 sign per agent marketing the land or premises on the land may be installed and displayed in front of each street boundary of the land or premises of the land to which the sign relates; and <i>Example for paragraph (b)—</i> <ul style="list-style-type: none"> • <i>If land has 2 street boundaries (e.g. a corner block), an agent may install and display 1 sign in front of each street boundary.</i> (c) The sign must not exceed 2.4m²; and (d) The sign must not be installed and displayed more than 2m above the ground level; and (e) The sign must be installed parallel to the boundary line of the land or premises on the land and must not protrude further than 200mm off the boundary line; and (f) The sign must be placed so as not to interfere with any underground services in a footpath; and (g) The sign must not be displayed for more than 7 days after the sale of the land or premises on the land to which the sign relates; and (h) The sign must not have any moving parts; and (i) The sign must not be illuminated or reflective; and (j) The sign must not block or compromise a person's view from their private land; and (k) The sign must not be affixed to infrastructure owned or controlled by the local government, State government or a utility provider; and (l) The sign must be covered by a current public liability insurance policy to the value of at least \$1 million per claim or event and evidence of insurance must be provided upon request of an authorised person.

<p><i>Sporting field fence sign</i></p>	<p>Public Land</p>	<ul style="list-style-type: none"> (a) The sign may only be installed and displayed with the written consent of the owner or occupier of the sporting field; and (b) The sign must not be installed or displayed above the sporting field fence and must not otherwise overhang or protrude from the sporting field fence; and (c) The sign must not impede clear sight lines for— <ul style="list-style-type: none"> (i) official traffic signs or other road signage; or (ii) vehicles or pedestrians; or (iii) road junctions; or (iv) vehicle access crossovers; or (v) pedestrian crossings; or (vi) any other similar thing; and (d) The sign must not imitate an official traffic sign or traffic control device; and (e) The sign must not have any moving parts; and (f) The sign must not be illuminated or reflective; and (g) The sign must be covered by a current public liability insurance policy to the value of at least \$1 million per claim or event and evidence of insurance must be provided upon request of an authorised person.
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Schedule 2 Dictionary

Section 4

Act—

- (a) has the same meaning as in the *Acts Interpretation Act 1954*, sections 6 and 7; and
- (b) includes a local law made by the local government.

agent includes a contractor, assistant, driver and any other person aiding the person installing or displaying—

- (a) a self-assessable sign under this Local Law; or
- (b) a licensable sign for which an approval has been issued under this Local Law.

amend, for an approval, includes varying a condition, removing a condition or adding a condition.

amendment application see section 22(1).

application see section 11(1).

application requirement see section 17(2).

approval see section 10(1).

authorised person means a person—

- (a) appointed by the chief executive officer as an authorised person under section 202 of the *Local Government Act 2009*; and
- (b) whose instrument of appointment provides that they are an authorised person for this Local Law, or the provisions of this Local Law.

chief executive officer means the chief executive officer of the local government.

compliance notice means a compliance notice given under section 36.

decision means—

- (a) a decision made by the local government under sections 15, 21, 22 or 23; or
- (b) a decision made by an authorised person to give a compliance notice under section 36 or a remediation notice under section 40.

decision notice, for a decision, means a written notice stating the following—

- (a) the decision; and
- (b) any relevant details about the decision; and
- (c) the reasons for the decision; and
- (d) that the person to whom the notice is given may apply for a review of the decision within 15 business days after the notice is given; and
- (e) how to apply for a review.

Examples for paragraph (b)—

- *Conditions on an approval.*
- *The date on which the decision takes effect or actions required under the notice must be taken.*

development has the same meaning as under the *Planning Act 2016*.

display means to exhibit or make visible to the public.

election sign see section 5(3).

enforcement order see section 42(1).

environmental harm has the same meaning as in the *Environmental Protection Act 1994*.

existing approval see section 21(1).

impounded regulated sign see section 39(1).

information request see section 13(5).

information request response see section 13(5).

information request response period see section 13(3).

install means construct, make, mark, place or erect, or affix to or paint on any surface or structure.

land—

- (a) has the same meaning as in the *Planning Act 2016*, Schedule 2; and
- (b) includes land occupied by water.

licensable sign see section 7.

local government means Moreton Bay City Council.

Local Government Act has the same meaning as in the *Local Government Act 2009*.

local government area means the local government area of the local government under the *Local Government Act 2009*, including an area taken to be part of a local government area under a Local Government Act.

Examples of areas taken to be part of a local government area—

- *Bathing reserves.*
- *Foreshore.*

Local Law includes any Subordinate Local Laws made under this Local Law.

low-value sign means a regulated sign that has been manufactured or constructed using low-value materials.

low-value materials includes cardboard, paper, corflute sheet or similar low-value materials.

notice to act see section 41(1).

occupier, of a place, means—

- (a) the person who occupies, or has the control or management of, or is apparently in charge of, the place; and
- (b) includes a person who has a lease, licence, permission, approval, right or authority to occupy the place, including under an Act.

occupier, of the property, see section 35(4).

on, for the definition of install, includes in, into or over.

original decision means a decision the subject of a review application under section 46.

owner, of a place, means the person for the time being entitled to receive the rent for the

place or who would be entitled to receive the rent for it if it were let to a tenant at a rent.

permanent sign see section 5(3).

place means any road, land, property, building, vehicle, boat or structure and includes any part of a place.

prescribed fee means a fee fixed by the local government under section 49 or under the *Local Government Act 2009*, section 97.

prescribed form means a document which the local government makes available at its administration centres or on its website for the purpose of making an application, an amendment application, a transfer application or a renewal application under this Local Law.

private land means land that is not public land.

properly made application see section 11(4).

property—

- (a) see section 35(4); or
- (b) otherwise, has the same meaning as in the *Acts Interpretation Act 1954*.

proposed action see section 23(2).

proposed transferee see section 21(3).

public facility directional sign see section 5(3).

public land means—

- (a) the whole or part of any land, facilities and other infrastructure owned, held in trust or otherwise controlled by the local government; and
- (b) a road.

Examples of public land—

- *Parks, reserves and gazetted foreshores.*
- *Camping grounds or caravan parks on land owned or controlled by the local government.*
- *Local government swimming pools.*
- *Local government cemeteries.*
- *Council chambers and local government offices.*
- *Jetties.*
- *Canals.*

public notice means a notice that is published in a newspaper that is circulating generally in the local government area or on the local government's website.

regulated sign see section 5.

relevant person—

- (a) for section 35— means an approval holder for the licensable sign or an employee or agent of the approval holder currently installing or displaying the licensable sign; or
- (b) otherwise, means—
 - (i) the approval holder for the licensable sign or an employee or agent

of the approval holder currently installing or displaying the licensable sign; or

- (ii) the person responsible for installing or displaying the regulated sign; or
- (iii) the person being promoted on the regulated sign; or
- (iv) the person responsible for the business, event or activity being promoted on the regulated sign; or
- (v) the owner or occupier of private land on which a regulated sign is being displayed.

remediation notice means a notice given under section 40.

renewal application see section 21(1).

responsible person see section 41(1).

review application see section 46(1).

review decision see section 47(1).

review notice see section 47(3).

road—

- (a) subject to paragraph (b), **road** has the same meaning as in the *Local Government Act 2009* at subsections 59(2) and 59(3); and
- (b) despite section 59(3)(a) of the *Local Government Act 2009*, **road** includes a State-controlled road listed in Schedule 3, table 1, columns 1 to 4 in relation to the matters outlined in Schedule 3, table 1, column 5.

self-assessable sign see section 6.

show cause notice see section 20.

stated reasonable time see section 23(3).

statutory sign see section 5(3).

stop order means an order given under section 37.

structure—

- (a) has the same meaning as in the *Local Government Act 2009*; and
- (b) includes a structure as defined in the *Building Act 1975*.

suspension notice see section 24(2).

third-party certifier see section 17(2).

TORUM Act means the *Transport Operations (Road Use Management) Act 1995*.

traffic has the same meaning as in the TORUM Act.

transfer application see section 21(1).

vehicle has the same meaning as in the TORUM Act.

vehicle sign see section 5(3).

Schedule 3 State-controlled roads to which this Local Law applies

Schedule 2

Definitions for Schedule 3

In table 1, column 5 of this Schedule, all terms have the same meaning as in the TORUM Act, unless otherwise stated.

Column 1	Column 2	Column 3	Column 4	Column 5
Road ID	Road Name	Local Name	Section	Matters
10A	Bruce Highway	Bruce Highway	Brisbane - Gympie	(a) Subject to paragraphs (c) to (g), the regulation of the advertising upon any road of any business including by means of the distribution of any handbill or other printed or written matter, as per section 66(3)(c) of the TORUM Act; and
40A	D'Aguilar Highway	Caboolture Bypass	Bruce Highway - Old Gympie Road	
40A	D'Aguilar Highway	D'Aguilar Highway	Mary Street in Kilcoy	
120	Redcliffe Road	Anzac Avenue	Intersection at Dayboro Road - Intersection with Redcliffe Parade	
121	Deception Bay Road	Deception Bay Road	Bruce Highway - Anzac Avenue	
122	Brighton - Redcliffe Road	Houghton Highway	From Hornibrook Highway - Intersection of Elizabeth Avenue	
122	Brighton - Redcliffe Road	Hornibrook Esplanade	Intersection of Elizabeth Avenue - Intersection of Oxley Avenue	
122	Brighton - Redcliffe Road	Oxley Avenue	Intersection of Oxley Avenue - Intersection of Klingner Road	
123	Clontarf - Anzac Avenue	Elizabeth Avenue	Intersection of Hornibrook Esplanade - Intersection of King Street	
123	Clontarf - Anzac Avenue	Snook Street	Intersection of King Street - Intersection of Korsch Street	
123	Clontarf - Anzac Avenue	Elizabeth Avenue	Intersection of Korsch Street - Intersection of Anzac	(b) Subject to paragraphs (c) to (g), the regulation of lights, notices and signs on a road or near a road if the lights, notices and signs endanger, or are likely to endanger, traffic, as per section 66(3)(g) of the TORUM Act; and
				(c) The local government's approval of the installation and display of an advertisement,

			Avenue	
126	Caboolture - Bribie Island Road	Bribie Island Road	Bruce Highway - Intersection of Welsby Parade	<p>light, notice or sign on a State-controlled road under part 2 of this Local Law is subject to the approval of the Department of Transport and Main Roads; and</p> <p>(d) The local government may not approve the installation and display of an advertisement, light, notice or sign on the Bruce Highway (a motorway including the motorway on-ramps and off-ramps of the Bruce Highway); and</p>
127	Beerburrum Road	Beerburrum Road	Intersection of King Street - Intersection of Steve Irwin Way	
128	Caboolture - Beachmere Road	Beachmere Road	Intersection of Bribie Island Road - Intersection of Bishop Road	
128	Caboolture - Beachmere Road	Main Street	Intersection of Bishop Road - End of Main Street	
401	Brisbane - Woodford Road	Gympie Road	South Pine River - Intersection of Anzac Avenue	
401	Brisbane - Woodford Road	Dayboro Road	Intersection of Anzac Avenue - Intersection of Fingerboard Road	
401	Brisbane - Woodford Road	Hay Road	Intersection of Fingerboard Road - Intersection William Street	
401	Brisbane - Woodford Road	Mt Mee Road/Brisbane-Woodford Road	Intersection of William Street - D'Aguiar Highway	
402	Samford - Mount Glorious Road	Mt Glorious Road	Intersection of Samford Road - Intersection of Mt Nebo Road	
403	South Pine Road	South Pine Road	Intersection of Gympie Road - Intersection of Flamingo Drive	
403	South Pine Road	Albany Creek Road	Intersection of Flamingo Drive - Albany Creek	<p>(e) The local government may only approve footway signs, real estate signs, charity prize home devices, roadside vendor signs (including cars for sale) and community event directional signs on State-controlled roads. The types of signs mentioned in this paragraph (e) have the same meaning as in the Department of Transport and Main Roads <i>Roadside</i></p>
406	Burpengary - Caboolture Road	Morayfield Road/Burpengary Caboolture Road	Intersection of King Street - Intersection of Uhlmann Road	
406	Burpengary - Caboolture Road	Uhlmann Road	Intersection of Uhlmann Road - Bruce Highway	
407	Samford Road	Samford Road	Intersection of Mt Glorious Road - Kedron Brook	

490	Glass House Mountains Road	Steve Irwin Way/Glass House Mountains Road	Southern Intersection of Bruce Highway - Intersection of Bell Road	<p><i>Advertising Manual</i>; and</p> <p>(f) The Local government must not approve the installation and display of any electronic or static billboards or illuminated advertising devices on street name signs on State-controlled roads; and</p> <p>(g) The local government must impose conditions on an approval to install and display a sign on a State-controlled road that are consistent with the requirements contained in the Department of Transport and Main Roads <i>Roadside Advertising Manual</i>.</p>
490	Glass House Mountains Road	Steve Irwin Way	Intersection of Bell Road - Northern Intersection of Bruce Highway	
492	Kilcoy Beerwah Road	Kilcoy Beerwah Road	Intersection of Maleny Stanley River Road to Intersection D'Aguliar Road	
493	Maleny - Stanley Road	Maleny Stanley River Road	Intersection of Myrtle Street and Beech Street, Maleny - Intersection of Peachester Road	
900	Everton Park - Albany Creek Road	Old Northern Road	Intersection of Flamingo Drive - Bennetts Road	
901	Burpengary Service Road	Morayfield Road/Burpengary Caboolture Road	Intersection of Uhlmann Road - Intersection of Station Road	
901	Burpengary Service Road	Old Gympie Road	Intersection of Station Road - Intersection of Deception Bay Road	
902	Linkfield Connection Road	Linkfield Connection Road	South Pine River - Intersection of South Pine Road	
1204	Pumicestone Road	Pumicestone Road	Intersection of Bruce Highway Off Ramp - Intersection of Freeman Road	
1204	Pumicestone Road	Freeman Road	Intersection of Bruce Highway Off Ramp - Intersection of Freeman Road	
4023	Mount Glorious Road	Mt Glorious Road	Intersection of Mt Nebo Road - Intersection of Laceys Creek Road	
4023	Mount Glorious Road	Northbrook Parkway	Intersection of Laceys Creek Road - Intersection of Wivenhoe Somerset	

			Road
4032	Strathpine - Samford Road	Eatons Crossing Road	Intersection of South Pine Road - Intersection of Mt Samford Road
4032	Strathpine - Samford Road	Mt Samford Road	Intersection of Mt Samford Road - Intersection of Serendipity Drive
4032	Strathpine - Samford Road	Main Street	Intersection of Serendipity Drive - Intersection of Mt Glorious Road
9905	Caboolture Connection Road	Caboolture Connection Road	Intersection of Bruce Highway - Intersection of Burnett Road
9905	Caboolture Connection Road	Lower King Street	Intersection of Burnett Road - Intersection of Charles Street
9905	Caboolture Connection Road	King Street	Intersection of Charles Street - Intersection of D'Aguilar Highway

Endnotes

1 Index to Endnotes

- 2 Date to which amendments incorporated
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- 4 Table of reprints
- 5 List of legislation
- 6 List of annotations

2 Date to which amendments incorporated

This reprint includes all amendments that commenced operation on or before 2 February 2024.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation
amd	= amended
ch	= chapter
def	= definition
div	= division
hdg	= heading
ins	= inserted
om	= omitted
p	= page
pt	= part
renum	= renumbered
rep	= repealed
s	= section
sch	= schedule
sdiv	= subdivision

4 Table of reprints

A reprint is issued upon the commencement of an amending instrument. A reprint is given the date of commencement of the amending instrument.

Table of reprints of this Local Law.

Reprint No.	Amendments included	Reprint date
1	<i>Amendment Local Law (State-controlled Roads) 2024</i>	2/2/2024

5 List of legislation

Amendment Local Laws

Amendment Local Law (State-controlled Roads) 2024 date of public notice 2 February 2024.

6 List of annotations

PART 1 PRELIMINARY

Regulated sign

- s 5(3) om/ins def *election sign* Amendment Local Law (State-controlled Roads) 2024, s 37(1).
om/ins def *vehicle sign* Amendment Local Law (State-controlled Roads) 2024, s 37(2).

PART 2 LICENSABLE SIGN APPROVALS

Local government may amend, suspend or cancel approval

s 23(1)(a)(iv) om/ins Amendment Local Law (State-controlled Roads) 2024, s 38.

Procedure for immediate suspension of approval

s 24(1)(c) om/ins Amendment Local Law (State-controlled Roads) 2024, s 39.

PART 3 OFFENCES AND ENFORCEMENT

Stop orders

s 37(2)(c) om/ins Amendment Local Law (State-controlled Roads) 2024, s 40.

SCHEDULE 1 SELF-ASSESSABLE SIGNS

- ins def *State-controlled road* Amendment Local Law (State-controlled Roads) 2024, s 41(1).
renum Amendment Local Law (State-controlled Roads) 2024, s 41(2).
ins Amendment Local Law (State-controlled Roads) 2024, s 41(3).
renum Amendment Local Law (State-controlled Roads) 2024, s 41(4).
ins Amendment Local Law (State-controlled Roads) 2024, s 41(5).

om/ins	Amendment Local Law (State-controlled Roads) 2024, s 41(6).
renum	Amendment Local Law (State-controlled Roads) 2024, s 41(7).
ins	Amendment Local Law (State-controlled Roads) 2024, s 41(8).
renum	Amendment Local Law (State-controlled Roads) 2024, s 41(9).
ins	Amendment Local Law (State-controlled Roads) 2024, s 41(10).
renum	Amendment Local Law (State-controlled Roads) 2024, s 41(11).
ins	Amendment Local Law (State-controlled Roads) 2024, s 41(12).

SCHEDULE 2 DICTIONARY

om/ins	def road Amendment Local Law (State-controlled Roads) 2024, s 42.
om/ins	def statutory sign Amendment Local Law (State-controlled Roads) 2024, s 42.

SCHEDULE 3 STATE-CONTROLLED ROADS TO WHICH THIS LOCAL LAW APPLIES

ins	Schedule 3 Amendment Local Law (State-controlled Roads) 2024, s 43.
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