



REGIONAL COUNCIL

ORDINARY MEETING OF COUNCIL

SUPPLEMENTARY AGENDA

11 NOVEMBER 2015



**ORDINARY MEETING OF
COUNCIL SUPPLEMENTARY
AGENDA
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4. MAYORAL MINUTE

4.1 Mayoral Minute

Date: 10 November 2015
Author: Jason Cubit, Manager Marketing, Communications and Events
Responsible Officer: Ian Flint, Chief Executive Officer

10. EXECUTIVE OFFICE REPORTS

10.4 Regulation of Corflute Signage

Date: 05 November 2015
Author: Stephen Hart, Manager Administration & Executive Operations
Responsible Officer: Ian Flint, Chief Executive Officer

Summary:

The purpose of this report is to provide Council with information on the regulation of temporary corflute signs in the Lockyer Valley Regional Council area. Such regulation can be achieved through the local law framework following minor amendment to definitions within the existing planning schemes. Real estate signs, community organisation signs, events, and garage sale signs are already regulated in the local law framework. If change to the requirements for these signs is necessary, or the regulation of other temporary signs is required, Council direction will be required on the details. This will include specifications and criteria in the Local Law for each of these signs to address size, number, period, maintenance and removal. The broad parameters for development of a subordinate local law are recommended.

Officer's Recommendation:

THAT the CEO be authorised to draft changes to the definitions within the Planning Schemes to make it clear that the planning schemes do not regulate temporary advertising signs;

And further;

THAT the CEO be authorised to draft changes where necessary to the Subordinate Local Law 1.4 (Installation of Advertising Devices) 2011 for further consideration by Council to ensure enhanced safety and amenity with respect to temporary signs based on the following parameters- that the local law :

- **Apply to both public and private land**
- **Limit the size of temporary signs**
- **Limit the number of temporary signs**
- **Address time frames for the display of signs around particular events**
- **Does not require application if permitted advertising signs meet prescribed criteria**
- **Applies penalties for breach of the prescribed activity.**

Report

1. Introduction

Council have sought additional background on the regulation of the placement of temporary signs in the local government area. The regulation of such signage can be achieved in a

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number of ways depending on the nature of the signs and the level of enforcement required. Lockyer Valley Regional Council's Subordinate Local Law No 1.4 (Installation of Advertising Devices) 2011 currently regulates this activity. That local law defines under Schedule 3 a broad range of advertising signs that are regulated.

Council needs to consider whether formal regulation the activity is required or whether a more informal approach through a guideline is appropriate.

2. Background

This matter was raised at the 14 October 2015 Ordinary Meeting where Council expressed an interest in regulating the placement of temporary signage. A question raised at that time was whether or not the management of such signs was best carried out through the planning scheme, by policy/guideline or through the local law process.

3. Report

Many local governments in Queensland regulate temporary signage through a subordinate local law. Other local governments provide direction on some categories of temporary signage through guidelines or fact sheets focusing on safety and amenity concerns in the placement of such signage. Many adopt the existing model local law approach. Others such as Ipswich City Council can take a very prescriptive approach. Others such as Toowoomba Regional Council seek to apply a policy and guideline.

Effect of Planning Scheme

Under existing legislative arrangements a local law cannot seek to regulate an activity that is already regulated under State legislation. For example, where development is regulated by State legislation, local laws are not able to regulate. However if legislation (in this case the *Sustainable Planning Act* and Planning Scheme) does not regulate, then local laws are able to apply.

Council's Manager Planning and Development has advised that from a development perspective, the only action that needs to be taken to clarify that regime does not apply is to amend the definition of "Advertising Device" in the Gatton Shire Planning Scheme and include a new definition for "Advertising Device" in the Laidley Shire Planning Scheme. That will ensure it is clear that these planning schemes do not regulate temporary signage and that will enable it to be cleanly dealt with by the Local Law.

The Manager Planning and Development has further advised that this amendment can be done as a minor amendment to the planning schemes- which is a straightforward matter that can be done through the adoption of the amendment of the planning schemes at a future Council meeting. These amendments will have the effect of ensuring the regulation of temporary signs is not done under the planning schemes and allow the regulation of temporary signs to occur under the existing Subordinate Local Law 1.4.

Subordinate Local Law 1.4 (Installation of Advertising Devices)

This Subordinate Local Law supplements Local Law No.1 (Administration) which provides the regulatory framework for regulation, administration and enforcement of Local Laws. The Subordinate Local Law provides for the granting of approval for a wide range of advertising

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devices specifying those that require approval and those that are permitted and installed in accordance with prescribed criteria.

40 different types of advertising devices are defined. For each type there are also prescribed criteria that must be met for the sign to be installed. If the sign is outside the scope of the criteria provided, an application would be required for the advertising device. However to date Council has not any administrative process in place to deal with such an application. There are no application forms and no policy or guideline as to how such applications would be assessed.

The Subordinate Local Law is enforceable under the offence provisions specified in the Local Law No.1 (Administration).

At the Council meeting on 14 October it is understood a number of different temporary signs were discussed in terms of the need for regulation. These included corflute signs generally but specifically real estate signs, community organisation signs, events, elections (federal, state and local) and garage sale signs.

Within the 40 different types already included in the Subordinate Local Law there are specified requirements for the following signs:

- 8 Community organisation sign (which covers events)
- 9 Site community organisation sign
- 10 Directional community organisation sign
- 11 Garage sale sign
- 14 Real estate sign
- 26 Estate sales sign

As indicated above there are specifications and criteria in the Local Law for each of these signs. These criteria address size, number, period, maintenance and removal. The adequacy of those existing specifications for each sign type is considered acceptable but could be tightened if issues are apparent operationally.

Election signage

As indicated above, temporary signage for real estate signs, community organisation signs, events, and garage sale signs is regulated under the existing local law. The only category of advertising device that is not addressed in the local law is that of election signage.

Given the above context on the legislative framework for temporary signage is provided above, the issue of a further category of election signage is also now addressed.

In accordance with the *Local Government Act 2009*, Council is not able to prohibit the placement of election signage but is able to regulate the placement of election signage in certain circumstances.

Lockyer Valley Regional Council's Subordinate Local Law No 1.4 (Installation of Advertising Devices) 2011, provides a platform for Council to regulate the placement of election signage. As election signage is not currently included in Schedule 3 of that local law placement of election signage is not specifically regulated. Criteria for evaluation of election signage could

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be developed by way of policy or guideline. Such a policy or guideline will assist with the process but may not be adequately enforceable if a breach occurred.

Alternatively the Subordinate Local Law could be amended to include temporary election signage and criteria for erection/placement in Schedule 3. This amendment can be made and the process to amend commenced via a resolution of council. The process may involve a period of public consultation.

The report provided in the Council agenda on 28 October 2015 and withdrawn focused on election signage as that aspect was not already regulated in the local law. The authors of that report did not attend the meeting when the topic was first raised and regrettably were not aware that further background on the broader issue of temporary signage was required. The authorisation process followed the usual system. However there was some breakdown in communication as the original report and action direction was carried out by a different Group/Section within Council.

Local Law No 4 (Local Government Controlled Areas, Facilities and Roads)

For Local Government controlled areas, facilities and roads Local Law No.4 also applies. This does not apply to private land and would also require applications to be made and assessment against a policy/guideline.

Council is able to regulate and even prohibit placement of signage on its own controlled areas, roads and facilities. The capacity to regulate the placement and usage of signs on private land is significantly more constrained. The LGAQ advisory on this aspect is that Council is unable to regulate the placement of election signage on private land unless there is a bona fide safety issue or there is an overwhelming amenity impact.

Regulating this activity can be undertaken formally through a local law or directed through the development of a policy or guideline. The State Government through the Department of Transport and Main Roads have issued a fact sheet guiding the placement of election signage on State Government road reserves. The key considerations in regulating placement of election signage by the State Government are safety and amenity.

Matters to be considered

The following matters should be examined by Council in seeking to regulate the placement of temporary signage:

- the purpose for which the signs are proposed to be used; and
- the locations at which it is proposed to erect signs.

Changes to the regulation of temporary signs existing or introduction of a new category of sign would require council to establish the conditions to be applied to the regulated activity. For example whether:

- council seeks to regulate signage on privately owned and/or council owned land (Given limitations described above);
- prescribed activities require approval;
- applications will be required;
- a cost will be imposed by way of a fee or bond;
- size needs to be limited eg the maximum size of a sign be 0.6m²;

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- the number of signs and types of signs to be erected;
- penalties on compliance will be required; and
- timeframes for display of signage will be specified around events.

These matters could be dealt with outside the existing Schedule 3 but it would require an application for the advertising device. However Council has not any administrative process in place to deal with such an application. There are no application forms and no policy or guideline as to how such applications would be assessed.

Council needs to also be mindful of the conditions associated with regulating the placement of signs and the associated resource requirements of enforcing such activity in its deliberation.

It is recommended that changes to the Subordinate local law be drafted for Council consideration based on these parameters.

4. Policy and Legal Implications

If amendments to the Subordinate Local Law are required the process to be followed will depend on the scope of change. If the change is “not substantial” it can be done by resolution. If it is substantial then the process to be followed has been specified by recent Council resolution and will include public consultation.

It is considered that minor variations to requirements for an existing signage regulation or the addition of a further category of temporary sign could be considered insubstantial and carried out by resolution. However, a significant review and addition of a range of new categories would be considered substantial. This would add a time impost as it would necessitate undertaking the process for amendment of subordinate local laws including public consultation.

Section 36 of the *Local Government Act 2009* provides Councils cannot prohibit the placement of election signs or posters. However Council is able to regulate this activity.

It should be noted that Council is unable to regulate the placement of election signage on private land unless there is a bona fide safety issue or there is an overwhelming amenity impact.

5. Financial and Resource Implications

Budget and resource implications will continue to be addresses through existing allocations. The content of the report does not alter current budgetary requirements. It should be noted that further regulating and enforcing the placement of temporary signage will impact on the staff resources of council.

6. Delegations/Authorisations

The CEO will require the authorisation to develop an amended subordinate local law for Council consideration.

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7. Communication and Engagement

If a subordinate local law is required to be substantially amended, a resolution will be required to make that change. This will initiate a process including public consultation.

8. Conclusion

Council is able to regulate the placement of temporary signage. Minor amendments to definitions in the Planning Schemes will clarify the local law framework. The existing Subordinate Local Law regulates real estate, community, event, and garage sale signs but not election signage. Changes to the specification and criteria for signage will need to be detailed with this further direction from council. Provided any changes are “not substantial” the amendments could subsequently be done by Council resolution.

9. Action/s

Draft amendments to Subordinate local law 1.4 be drafted to address temporary signage.

Link to Local Law on Council's Website:

<http://www.lockyer valley.qld.gov.au/our-council/local-laws/Documents/certified%20subordinate%20local%20law%201.4%20installation%20of%20advertising%20devices%202011.pdf>

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10.5 Community Engagement for CBD Parking Regulation and Enforcement

Date: 09 November 2015
Author: Neil Williamson, Community Development & Engagement Officer
Responsible Officer: Ian Flint, Chief Executive Officer

Summary:

This report provides information in response to the resolution of Council from its meeting held on 28 October 2015 in relation to consultation with Gatton CBD businesses regarding regulated parking.

To best manage the disruption to the Gatton CBD from the Imperial Hotel fire occurring simultaneously with the public consultation period for the proposed amendments to *Subordinate Local Law No.5 (Parking) 2011*, the Community Engagement Team is providing responses from the Gatton business community from consultations conducted in December 2014.

It is noted here that the public consultation process for the proposed amendments is a different process than that used by or involving the Community Engagement Team.

Officer's Recommendation:

THAT Council notes the results of previous consultation conducted with Gatton CBD businesses in December 2014 for consideration in proposed amendments to parking regulations and enforcement.

And further;

THAT Council authorises the Community Engagement Team to conduct further consultation in the future with businesses in Gatton and Laidley CBDs prior to enforcement commencing.

Report

1. Introduction

The purpose of this Report is to provide information to Council on community engagement feedback from Gatton CBD businesses on the issue of regulated parking as conducted in December 2014.

2. Background

Council resolved on 28 October 2015 to amend *Subordinate Local Law No.5 (Parking) 2011* and authorised the Community Engagement Team to survey businesses in the Gatton & Laidley business district on how Council will best regulate and manage parking in these areas.

Disruption to the Gatton CBD from the Imperial Hotel fire made the timing of discussions on parking regulation less likely to be effective. The Community Engagement Team had

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information available from a December 2014 CBD consultation process which was deemed to be still relevant for current purposes.

It is noted here that the formal and advertised public consultation process for the proposed amendments is a different process than that used by or involving the Community Engagement Team.

3. Report

In December 2014 the Community Engagement Team visited a significant number of businesses in Gatton CBD to increase their awareness of the 2-hour regulated parking zones and future enforcement intentions. Businesses were advised that the intention of the awareness raising was to promote shopping at local businesses through increased availability of parking spaces close to shops. Businesses were advised that Council had received numerous complaints about employees of local businesses parking on Railway and North Streets all day and thereby restricting access to shoppers.

A similar process was conducted in Laidley by Infrastructure Works & Services; the Community Engagement Team does not have the data from that process.

Key recommendations from businesses included:

- That Council ensures its own staff do not park in regulated street parking zones during their work hours
- That consideration is made for increased parking requirements during events held at Gatton Shire Hall. This might include relaxed enforcement of North Street during those events, the creation of more off-street car parks, or a voucher system for people attending those events to waive the parking requirement
- That parking signs be consistent in showing the time limits as well as the regulated hours
- That it be made clear whether time-limits applied to disability spaces
- That Supercheap encourage their customers to conduct any work on their cars in an off-street carpark
- That businesses with their own off-street parking make it available to customers
- That minimum time limit is increased to 3 hours to allow for people with appointments that take longer than 2 hours. This generally related to hairdressing, real estate and some medical appointments.
- That enforcement begins with a grace period where non-fine notices are left on cars indicating that they have over-stayed and that in the future they will be fines
- That maps be made available online, in newspapers, and on street signs indicating where all regulated and unregulated parking areas are

It is further recommended by the Community Engagement Team that all media from Council on regulated parking highlight that the purpose of regulating parking is to support local businesses, and that if the community complies there won't be any revenue raising.

Engagement has not been conducted at this time in Laidley CBD in order to maintain consistency with Gatton CBD.

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4. Policy and Legal Implications

The change to this community engagement approach will not affect the local law making process.

5. Financial and Resource Implications

Any costs associated with changes to signage or media promotion would need to be considered by relevant business units. There are no community engagement financial implications.

6. Delegations/Authorisations

That the timing of any future consultations will be determined in accordance with existing delegations.

7. Communication and Engagement

Council's media promotion of parking regulation and enforcement should highlight the benefits to the local community and economy when the community complies with regulations.

The timing of future community engagement on this matter will be determined in consultation with the offices of the Chief Executive Officer and the Mayor.

The Community Engagement Team will continue to monitor business feedback in Gatton and Laidley through ongoing engagement opportunities.

8. Conclusion

Council's consideration of feedback from the Gatton and Laidley CBD business communities will assist in determining parking regulations that best suit the respective communities.

9. Action/s

The Community Engagement Team will continue to monitor business feedback in Gatton and Laidley through ongoing engagement opportunities.