

ADVERTISING SIGNAGE POLICY

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DCSB-I-14.06

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Administered by:
Manager of Prosperity

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401761

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Infrastructure

Strategic Plan link:

Infrastructure that meets our community, economic and environmental needs

References and related Policies & Procedures:

Local Government Act 1999

Planning, Development and Infrastructure Act 2016

Road Traffic Act 1961

Australian Road Rules

Council By-Laws

DCSB-I-14.09 Moveable Signs Policy

1. INTRODUCTION

The District Council of Streaky Bay acknowledges the need to regulate signs on its road reserves, footpaths and public spaces to maintain the effectiveness of priority traffic control signs and directional signs and to ensure the amenity of the townships and rural areas is appropriate. A proliferation of signs and advertising can reduce the overall effectiveness of the sign.

This policy has been developed to ensure the installation of signs is undertaken in a regulated and uniform manner, consistent with the requirements of other relevant authorities including the Department of Infrastructure and Transport.

2. POLICY OBJECTIVES

- To enable the temporary promotion of community events and the reasonable display of sponsorship identification and promotional signs.
- To ensure advertising signs and / or displays do not cause a loss of service or have any damaging impact upon the natural or built environment.
- To ensure all advertising signs comply with this policy.
- To ensure moveable advertising signs are structurally sound, clean and not hazardous or offensive to pedestrians or motorists.
- To provide an environment in which efficient placement of signs enhances a street, road reserve or precinct by increasing the overall impact and effectiveness of individual signs.

3. DEFINITIONS

‘Advertisement Display’ any bill, advertisement, sign banner, feathers or flag that advertise an event, business or product.

‘Applicant’ The person/organisation who applies for an advertisement display.

‘Commercial Signs’ - Commercial advertising signs promote a commercial activity, service or product rather than give directions to it. A Development Application is required to be lodged through the State Planning Portal and approved prior to the installation of all commercial and advertising signs.

‘Council’ The District Council of Streaky Bay

‘Fingerboard Signs’ - are small and rectangular in shape with the long axis horizontal (similar in characteristic to a street name sign), secured to a post and positioned directly below a street name sign. Its purpose is to advise road users of the direction to facilities located on side streets.

‘Local Government Land’ Land which is under the care and control of Council, including public footpaths and road reserves.

‘Road’ has the same meaning as in the *Local Government Act 1999* and extends from property boundary to property boundary including the carriageway, footpaths and verges.

‘Temporary Signs’ - Temporary advertising signs are defined as those signs that are installed for a limited time to announce a local event of a religious, cultural, political or recreational character for a fixed time period.

4. BACKGROUND INFORMATION

The installation of roadside signage is an Alternation to a Public Road in accordance with Section 221 of the *Local Government Act 1999* and therefore requires the approval of Council.

The installation of roadside signage is controlled by Council to ensure:

- safety of road users;
- preservation of roadside amenity;
- suitability of design and installation of signage; and
- consistency of type and use of signage.

The Department of Infrastructure and Transport are responsible for the management of State arterial roads and are responsible for the assessment of requests for the installation of signage on these roadsides.

There are also signs placed on buildings, private property and other locations not specified and this Policy seeks to cover some of those provisions.

Signage (non-directional) with a surface area of greater than 3m², moves, flashes, is internally illuminated and within 100m of a signalised intersection or pedestrian crossing constitutes development under the *Planning, Development and Infrastructure Act 2016* and requires application and assessment against the *Planning, Development and Infrastructure Act 2019*. The approved land use and conditions on previous approvals may also influence signage approval.

5. POLICY DETAIL

5.1 Temporary Signs

The District Council of Streaky Bay support the placement of Temporary Signs which announce a local event in the nature of:

- religious,
- educational,
- cultural,
- social; or
- recreation.

Temporary Signs that are to be placed on Local Government Land or a road will require a permit authorised by Council prior to their display.

Only Temporary Sign applications which meet all the below criteria will be approved.

- A. The advertisement is for an event/s on a set date or several days and the event:
 - benefits the local community as a whole; and
 - is non-commercial.
- B. Signs must be flat and not exceed more than 2sqm (alternatively it will require development approval).
- C. Signs must be well constructed and maintained in good condition to remove hazards to any member of the public.

- D. Signs must be of strong construction to be stable when in position and be able to keep its position in adverse weather conditions with no sharp or jagged edges or corners.
- E. Signs may not display any potentially offensive material and may not be seen to be politically or religiously biased. Announcements of events are acceptable, however, imparting of political or religious beliefs through slogans or proclamations will not be acceptable.
- F. Signs must not obstruct or obscure motorists or pedestrians, have moveable parts or be illuminated in any way.
- G. The sign is not to be displayed for more than one (1) month before the date of the event and must be removed within one (1) month after the event.
- H. Signs are not to be displayed on trees, power poles, light poles, street furniture or Council buildings.
- I. The applicant or organisation applying for the temporary sign shall properly maintain the sign in a clean condition and present it in a professional and quality finish.
- J. Applicants will be responsible for all costs associated with installation

5.2 Longer Term Community Event and/or Activity Advertising

Following the implementation of this Policy, Council will seek to establish an additional sign frame at the Poochera-Streaky Bay Highway and Eyre Highway intersection.

This frame will be for the purpose of advertising longer term Community Events or Activities. Events outside of the District Council of Streaky Bay will not be permitted.

Organisations wishing to advertise will need to apply through an application process. A small fee will be applied and set through the Annual Fees and Charges.

A register of approved applicants will be maintained by the Community and Economic Development Team.

5.2 Temporary Signs (Trailer Style)

Council does not permit the use of Temporary signs in the forms of a trailer for use within Public Road Reserves.

Applications for trailer use on other Local Government Land shall require Council approval by resolution and applicants are required to complete a Permit Application and each applicant shall be considered on a case by case basis

5.3 Real Estate Signage

A real estate “For Sale” or “For Lease” sign does not require approval if it is situated on the land that is for sale or lease, permitting the property is not a State Heritage listed and if the advertising display:

- is not more than 4m² in area; and does not move; and
- does not flash; and
- does not reflect light so as to cause undue distraction to motorists; and
- is not internally illuminated

The real estate signage must be removed within 2 weeks of the completion of sale or the entering into the lease.

5.4 Commercial Signs On Residential Properties

A sign on residential land without prior Development Approval cannot be erected. Only identification signs, which identify the address of the property on which it is situated are permitted. The identification sign cannot identify or advertise business or business activity.

A smaller sign (under 0.2m²) identifying the business may be erected within the property, on the proviso that it is not readily visible from the street and no more than 2 are displayed in relation to the same building.

5.5 Commercial and General Signage on Non-Residential Buildings

Signage displayed on buildings used primarily for retail, commercial, office or business purposes does not require Development Approval, permitting the advertising display:

- is located on the front wall of the building; and sits flush on the front of the building;
- does not move, flash, or create an undue distraction to motorists; and is not internally illuminated;
- is not attached to the fascia of a verandah; and / or
- if there is no verandah the signage should not be more than 3.7m above ground level

If the criteria above is not satisfied, Development Approval is required.

5.6 Commercial Signage on Council Roadsides

The Council does not permit the installation of commercial advertising signage within roadsides, with the exception of fingerboards (see Clause 5.8).

Applications for commercial advertising utilising fingerboards within road reserves shall require approval under Section 221 of the *Local Government Act 1999* and an application form must be completed accordingly.

Any unauthorised signage will be removed by the Council without notice to the person installing the sign. Signs removed in this way may be returned to the advertiser when the advertiser applies to Council for its return and after the invoice for costs to remove the signage have been paid.

Any costs incurred by removing the signage will be invoiced to the advertiser by Council and may incur debt collection action should the invoice not be paid.

5.7 Commercial Signage on other Local Government Land

Commercial signage may be permitted at designated information bays, those bays being;

- Poochera Museum
- Sceale Bay Shelter
- Streaky Bay Lions Park

The installation of such signage shall be subject to and application, permit provided and an annual fee paid by the signage owner. The sign shall be removed should such fee not be paid within three (3) months of the start of any financial year.

The signage installed must:

- not be larger than that designed for the Information Bay; and
- provide contact details for the business being advertised;

Sign production costs shall be borne by the applicant and any associated replacement and maintenance costs including sign damage.

Council may remove the sign and notify the applicant immediately should the sign be deemed unsafe, damaged, or ineligible.

Applicants must complete an application form. The application form will include agreement to the appropriate condition requirements. Approval for these applications rests with the Manager, Community and Economic Development.

The maximum number of signs at any Information Bay will be determined by the design allowance of that Information Bay.

5.8 Non – Commercial Signage on Council Roadsides and other Local Government Land

Signage that is considered to be of wider community interest, such as entrance signage, community facilities, directional signage to visitor services and major attractions will be considered on a case by case basis.

Applications for installation of direction signage to visitor attractions and services will be assessed against the criteria of the Road Sign Guidelines – Guide to Visitor and Services Road Signs in SA, published by the SA Tourism Commission and Department of Infrastructure and Transport.

Applicants must complete an application form. Applications are assessed and approved by the Manager, Civil Works and Infrastructure upon consultation with the Manager, Community and Economic Development.

Approved sign installations shall be undertaken by the Council at the expense of the applicant. The costs associated with the supply and installation of the sign are required to be paid by the applicant before the sign is erected.

5.9 Building Work Signs

An advertisement display may be erected without approval on land on which building work is being lawfully undertaken permitting the advertisement display;

- contains information that refers to the work being undertaken;
- is not more than 3m² in area;
- does not move, or flash, and is not illuminated; and
- does not reflect light to be an undue distraction to motorists

5.8 Precinct Advertisement Displays

Precinct Advertisement Displays listing individual businesses as “cluster” may be installed at the entrance to a recognised estate, where there is an incorporated association or body that represents that estate and this body takes the responsibility for the sign.

6. **EXISTING ADVERTISEMENT DISPLAYS**

6.1 Existing Advertisement Displays may be allowed to remain at Council’s discretion. Council maintains the right to assess and remove any Advertisement Displays permitting if:

- it is in a poor state of repair

- the associated commercial activity no longer operates as an eligible community facility;
 - the facility ceases to operate.
 - there is a demonstrated need for aggregating signs in a particular location;
 - the road authority needs to resume the land;
 - the sign contains offensive or inappropriate wording;
 - the design or construction is deemed not suitable under this policy;
 - the sign unreasonably restricts the use of the road;
 - the sign unreasonably endangers the safety of members of the public;
 - annual permit fees are not paid; and / or
 - a Certificate of Currency for public liability insurance of \$20 million is not provided to Council.
- 6.2 Replacement of any existing sign will be subject to this policy and will require an application as applicable.
- 6.3 Replacement signs will only be approved for a maximum of 3 years or until tourist signs (including tourist bays, tourist signs and brown/blue direction signs) have been installed, whichever occurs first.
- 6.4 Authorisations for signage are not transferable.
- 6.5 Existing approval may be revoked at Council's discretion at any time either partially or fully.

7. ADVERTISEMENT DISPLAY NOT COVERED BY THIS POLICY

This Policy is not to be applied to:

- moveable signs which meet the requirements of By-Law 2; or
- a sign placed to protect public safety; or
- a sign to protect or enhance the amenity of a particular locality; or
- a sign is placed there pursuant to an authorisation under any another Act; or
- a sign is designed to direct people to the open inspection of any land or building that is available for purchase or lease; or
- a sign is related to a State or Commonwealth election and is displayed during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day; or
- a sign is related to an election held under the *Local Government Act 1999* or the *Local Government (Elections) Act 1999* and is displayed during the period commencing 4 weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
- a sign is of a prescribed class; or
- signs erected by The District Council of Streaky Bay.

8. CANCELLATION

Council maintains the right to remove any Advertisement Display that:

- contains offensive or inappropriate wording;
- does not meet design or construction requirements or is deemed not suitable;
- unreasonably restricts the use of the road or endangers the safety of members of the Public; and / or
- is damaged or vandalised

9. APPLICATIONS

Applications will be assessed by the relevant Manager in accordance with this policy and the Department of Planning, and or the Department of Transport and Infrastructure's Advertising Signs Assessment Guidelines for Road Safety.

Applications for Advertisement Displays must be made in writing to Council and must include design, structural design details, sizes and site plans.

Advertisement Displays installed must comply with Council's conditions for undertaking works on a road reserve.

10. DELEGATIONS

Shall be in accordance with the Council's Delegation Manual

11. INSURANCE/INDEMNITY

Public Liability Insurance

Licensees are required to hold suitable public liability insurance with the Council noted as a specified person for the purposes of Section 48(1) of the *Insurance Contracts Act 1984*.

Licensees are required for the term of the approval, to take out and keep current a public liability policy of insurance to an appropriate level of cover per claim in respect of any negligent act or omission of the Applicant in relation to any alteration to the road or Local Government Land. The minimum policy cover is \$20,000,000.

Applicant's Indemnity

Applicants are required to indemnify the Council, its servants and/or agents against all actions, costs, claims and demands for injury, loss or damage arising out of any negligent act or omission of the Applicant in relation to the alteration to the road reserve, Local Government Land and such indemnity shall be in addition to any statutory immunity in favour of the Council.

Continued Indemnity

For the purposes of indemnification and insurance is considered as continuing and valid while any structure remains on the road reserve or Local Government Land (whether authorised by an approval or not).

12. FEES

The fees are reviewed annually and set out in the current Fees and Charges Schedule.

Maintenance and replacement – responsibility of the applicant.

13. PENALTIES/OFFENCE

The erection, display, placement or posting of any Advertisement Displays on a Council Road or Local Government Land without approval is an offence under clause 9.1 of By-Law 4 (local Government Land) and/or Clause 7.6 of the By-Law 3 (Council Road Reserve), unless an exemption under this Policy applies.

The expiation fee set by the Council for a by-law is set out in Council's fees and charges which is reviewed annually.

Council officers appointed as Authorised Persons under the *Local Government Act 1999* are authorised to issue expiations notices for a breach of the By-Law.

Council has the right to remove all unauthorised signage from road reserves under Section 221 and Section 262 of the *Local Government Act 1999*.

12. RECORDS MANAGEMENT

All records shall be kept and disposed of in accordance with councils Records Management Policy & Procedure and the current Local Government General Disposal Schedule.

13. AVAILABILITY OF POLICY

This policy will be available for inspection at Council's main office as listed below during ordinary business hours and available to be downloaded, free of charge, from the council's website at www.streakybay.sa.gov.au.

District Council of Streaky Bay Main Office
29 Alfred Terrace
Streaky Bay SA 5680

14. DOCUMENT HISTORY

Version	Change Description	Date	Author
1.2	Amended Original Version	21 April 2016	Manager, Regulatory Services
1.3	Clauses added and amended	11 May 2021	Manager, Community & Economic Development