

COUNCIL POLICY NO: 089

Responsible Directorate	Planning and Development
Responsible Section	Regulatory Services
Responsible Officer	Manager Regulatory Services

OBJECTIVE:

To prescribe the conditions on which approval would be given to the advertising, display or erection of temporary signs on local government property and public property.

SCOPE:

This policy applies to all Directorates of the Town of Cambridge.

This policy applies to all temporary signs displayed or erected on local government and public property in the Town of Cambridge (“the Town”).

POLICY STATEMENT:

All temporary signs advertised, displayed or erected in a public place or on public property must comply with the Town of Cambridge *Local Government and Public Property Local Law 2017* and the requirements of this Policy.

Business/commercial activity signs will also be required to comply with the *Town of Cambridge Trading in Public Places Local Law 2016* and Council’s Trading in Public Places Policy No 101.

1. GENERAL

The following requirements apply to the temporary placement of ALL signs on local government and public property (unless specified elsewhere in this Policy):

1.1 Town Approval

The advertising, display or erection of any sign is subject to the Town’s prior approval being obtained and/or a Permit also issued, where required.

(The Chief Executive Officer and Manager Health and Compliance Services are authorised to waive the requirement for a Permit, where deemed appropriate);

1.2 Sign size

Except where otherwise specified in this policy or where approved by the Town, a sign must not be larger than 1m height by 600 mm width for a general sign, unless otherwise approved by the Town.

1.3 Sign construction and location Requirements

1.3.1 A sign must:-

- (a) be constructed of materials that will not have an adverse effect on the safety or convenience of any person, movement of persons, vehicles or land;
- (b) be placed at, or about, ground level;
- (c) be secure and free standing;
- (d) all posts which support a sign or banner must be safe, not be erected/positioned in a dangerous manner and be capped with protective covers on their ends;
- (e) be placed at least twenty-five (25) metres from a signalised traffic intersection or pedestrian activated crossing;
- (f) be placed so as not to restrict the sight distance of other signs and traffic control devices or impede the vision of a driver of a vehicle using a street;
- (g) must have a contrasting colour to their surrounding background, to assist the visually impaired; and
- (h) contain clear and legible writing or symbols.

1.3.2 A sign must not:-

- (a) cause a safety hazard to pedestrians or traffic and should be located at least two (2) metres from any adjacent infrastructure or trees;
- (b) cause an obstruction or impair any access to a person or vehicle;
- (c) be placed in the median strip, traffic island, or attached to road furniture/infrastructure, parking pole, traffic signals or street/verge tree;
- (d) be illuminated (internally or indirectly), move, flash, rotate or unreasonably reflect so as to be an undue distraction to drivers;
- (e) be adhesive in nature or affixed to another structure;
- (f) be placed so as to cover any Town signs or markings; or
- (g) resemble or be reasonably mistaken by road users as a traffic control device.

2. BUSINESS/COMMERCIAL ACTIVITY SIGNS

All signs of a business/commercial activity nature promoting a business/commercial activity or business products on local government and public property must comply with the *Town of Cambridge Trading in Public Places Local Law 2016* and with Council's Trading in Public Places Policy No 101.

3. HOME OPEN DIRECTIONAL SIGNS

Directional signs placed on local government and public property to indicate a "home open", "for sale or lease" or a builder's display home, must comply with the following:-

- (a) the maximum dimensions of these signs must not be larger than 450mm height by 600mm width;
- (b) the maximum size of letters and numbers should not exceed 200 mm;
- (c) the colour of the signs is optional;
- (d) directional signs must not be placed in a street or a street verge earlier than 7am on the day of the planned Home Open;
- (e) directional signs must be removed by 6pm on the same day;
- (f) each sign must clearly state the day of the Home Open (e.g. Saturday, Sunday) each sign must clearly state the time of the home open (e.g. 1 - 2pm); and

- (g) if the house is open for viewing after 6pm, the signs must be removed within 1 hour of the advertised end of the home open time.

4. 'FOR SALE OR LEASE' AND BUILDER'S DISPLAY HOME SIGNS

'For sale' signs placed on local government and public property to indicate a "For Sale or lease" or a builder's display home, must comply with the following:

4.1 Number of Signs

One sign per street frontage advertising for sale, lease or rent the property on which the sign is situated.

4.2 Display, removal and duration of signs

- (a) All signs must be removed within seven (7) days following the settlement date or day of occupation by a resident or tenant or day of completion by a builder or owner/builder, whichever is the sooner; and
- (b) The maximum duration of display for a sign is 6 months in any 12 month period.

4.3 Size of a Sign

A sign shall not exceed the maximum size, as follows:

- (a) Property area less than 5,000m² : - – **4m²**
- (b) Property greater than 5,000 m² : - **6 m²**;
- (c) In Special/extenuating or other circumstances, upon the application of the Agent or Vendor, the Town may approval of the sign to exceed the above maximum sizes.

4.4 Location of a Sign

Signs placed on a property indicating that it is for sale or for lease or by a builder or owner builder in accordance with standard building regulations, shall comply with the following:-

- (a) the sign must be placed on or behind the front boundary of the land (i.e. not on local government or public property or the road verge);
- (b) where circumstances does not allow for the sign to be on or behind the property boundary of the land for sale, the sign must be placed parallel and as close as is practicable to the front boundary of the land;
- (c) if it is placed on a property with multiple dwellings on the land, then the unit number or a description advising which home is for sale or lease must be displayed e.g. "*Unit 5*" or "*Rear Home*"; and
- (d) A sign must comply with the construction and general location requirements specified at Clause 1.3 of this policy.

5. SPORTING CLUBS SIGNS

The following conditions apply to the temporary placement of signs on the Town's sporting grounds/reserves, on local government property and public property:-

- (a) signs will only be permitted on each club's respective home ground;
- (b) the maximum dimensions of a sign must be 1metre height by 600mm width;
- (c) signs are to be adequately secured to posts and must be dug into the ground by hand to avoid damage to reticulation and other services;

- (d) no advertising information/material is to be placed on the sign - the focus of the sign is to recruit players and advise of training and playing times;
- (e) all costs pertaining to the sign (including installation, removal and any damage caused to Town and other service providers assets) will be at the sporting club's expense;
- (f) the sign may be placed 6 weeks prior to the start of the respective sporting season, per the Town's seasonal hirer arrangement (Summer - 1st October - 31st March and Winter - 1st April - 30th September), and will need to be removed 2 weeks after the respective sporting season; and
- (g) if the sign is not removed 2 weeks after the respective sporting season, the Town will remove it and on-charge the cost to the sporting club.

6. SPONSORSHIP OR ADVERTISING OF COMMUNITY EVENT SIGNS

The following conditions apply to the temporary placement of sponsorship or advertising of community events signs on local government property and in a public place, (including trailer mounted variable message boards):-

- (a) a sign must not be erected or displayed for up to more than four (4) weeks prior to the day of the event and removed no later than 72 hours after the event;
- (b) the sign (other than variable message signs/boards) must not exceed a maximum size of three (3)m²;
- (c) the dimensions of a banner or flag sign must not exceed a maximum of 1metre height by 3m length; and
- (d) the Town reserves its right to prohibit the display of any sponsor's name or logo, if it is deemed inappropriate and/or advertising/promoting tobacco products or a political party.

7. VARIABLE MESSAGE SIGNS

The following conditions apply to the temporary placement of variable message signs on local government and public property:-

- (a) the signs must be fully contained on a vehicle or on a trailer;
- (b) where a trailer/vehicle mounted variable message board is used the maximum screen size should be contained within the confines of the trailer or vehicle tray, brightness levels of the LED Lights should be set so as not to impact negatively on drivers vision and trailers/vehicles are to be parked /placed appropriately on the road reserve, in compliance with the *Town of Cambridge Parking Local Law 2016*;
- (c) subject to clause 7(a), the sign must not be erected or displayed for more than twenty four (24) hours in any one location (However, if the sign is promoting or sponsoring a charitable event or advertising of a community event, it may be permitted to be in place up to a maximum of two weeks prior to the event);
- (d) the location of the vehicle/sign must not pose a pedestrian or traffic safety hazard, and should be at least two (2) metres from any adjacent infrastructure or trees;
- (e) the vehicle/sign must be placed at least twenty-five (25) metres from a signalised intersection or pedestrian activated crossing;
- (f) the vehicle /sign must not contain any flashing lights or emit any sounds;
- (g) the vehicle /sign must not resemble or be reasonably mistaken by road users as a traffic control device; and
- (h) the Town reserves its right to prohibit the display of any sponsor's name or logo, if it is deemed inappropriate and/or advertising/promoting tobacco products or a political party.

8. ELECTION SIGNS

Since the early 1990's, the High Court of Australia has ruled that there is an implied freedom of communication on matters of government and political concern. The scope of 'government and political matters' has been given wide application by the Courts and includes election and political signs. The constitutional freedom of political communication requirements and principles apply regardless of whether a local government seeks to regulate the placement or erection of an election or political sign on private property or public property.

Definitions:

Election sign means a bill, poster, placard or advertisement relating to any election, attached to or pasted, painted, or stencilled, on any hoarding, wall, building, or structure whether erected upon private property or upon a public place, but does not include a sign erected by the Council for the purpose of public information.

elections mean periodic and General Elections, By-elections and Referenda.

sign means a poster/sign that comprises an advertisement for a candidate or party in the election, or for a referendum whether held for Federal, State or Local Government purposes.

8.1 General:

A Local Government does not have the power to regulate the content of electoral signs.

Enquiries in relation to State or Local Government elections should be directed to the Western Australian Electoral Commission - Ph: 13 63 06.

Enquiries in relation to Federal elections should be directed to Australian Electoral Commission - Ph: 13 23 36.

8.2 Signs on local government and public property

The following conditions apply to the temporary placement of election on local government property or on public property:

8.2.1 Town Approval Not Required

Approval of the Town is not required for a temporary election sign in Federal, State or Local Government elections, referendum or other poll, which is affixed or erected on local government and public property or on private property, if:-

- (a) the sign is erected or installed in connection with an election, referendum or other poll conducted under the *Commonwealth Electoral Act 1918* (Cth), the *Electoral Act 1907* or the *Local Government Act 1995*; and
- (b) the primary purpose of the sign is for political communication in relation to the election, referendum or poll; and
- (c) the sign is not erected or installed until the election, referendum or other poll is called and is removed no later than forty-eight (48) hours after the election, referendum or other poll is conducted.

8.2.2 Number of signs

There are no restrictions on the number of signs.

8.2.3 Construction and Location of signs

A sign must comply with the requirements specified at Clause 1.3 of this policy.

8.2.4 Sign Requirements

A Sign must only be displayed in the case of:-

- (a) Federal and State elections during the period commencing on the issue of the writ or writs for the election and ending at the close of the polls on polling day. Sign/s must be removed within forty-eight (48) hours of the close of polls, or they will be considered illegal signs.
- (b) Local Government elections during the period commencing on nomination day prior to polling day and ending at the close of polls on polling day. Should the sign/s not be removed within forty-eight (48) hours of the close of polls, or they will be considered illegal signs.

8.3 Signs on private property

8.3.1 Approval of the Town is not required for a temporary election sign erected or displayed on private property.

8.3.2 Under the Council's Town Planning Scheme Policy 5.2 - '*Advertising Signs*' signs are not permitted on private property without prior planning approval from the Town. However, a temporary election sign is exempt and is permitted for federal, state or local government elections subject the following conditions:-

- (a) All signs are authorised in accordance with the relevant legislation [i.e. s182 of the *Commonwealth Electoral Act 1902 (Cth)*, section 187 of the *Electoral Act 1907 (WA)* or section 4.87 of the *Local Government Act 1995 (WA)*];
- (b) be installed with the landowner's written consent;
- (c) not erected or be in place before the candidate has nominated or more than forty-eight (48) hours of the close of polls, after the Election Day; and
- (d) be detrimental to the general amenity or safety of an area. (All signs need to be fastened securely and not be a public hazard).

8.3.3 Signs that do not comply or are of a derogatory or offensive nature are required to be removed within 24 hours of being requested to do so by an Authorised Person or a Planning Infringement Notice (\$500) may be issued, in accordance with the *Planning and Development Act 2005*.

8.3.4 Any signs are encouraged to be supporting candidates and not be disparaging of other candidates.

8.4 Election Signs erected on polling day

An election sign may be erected or displayed on polling day on local government property, which is used as a polling place on that day, but must not be greater than 2m² in area and must be at least 6 metres from the entrance to the main doors of the polling place.

9. FEES AND CHARGES

Fees and charges relating to the application for a Permit and the renewal of a Permit must be set in accordance with the Local Government Act and published in the Council's Annual Schedule of Fees and Charges. Charitable and 'not-for profit' organisations are fee exempt.

10. RESPONSIBILITY FOR SIGNS

10.1 The person or party responsible for the sign must maintain the sign and ensure that public safety is not compromised while the sign/s are being installed or removed and there is no disruption to traffic or pedestrian movement during the process.

10.2 The person to whom approval is granted and any persons acting on their behalf, accept full responsibility for any personal injury, damage or loss in any way arising out of or a consequence upon the display of the election sign (material) and that the Town has no liability or responsibility to such matters whatsoever.

11. ENFORCEMENT

11.1 A breach of, or non-compliance with, any of the terms and conditions of the policy will invalidate the Town's approval and may result in enforcement action being instituted against the alleged offender.

11.2 It is a condition to granting of any approval that if any breach occurs which results in action by or on behalf of the Town to enforce the terms and conditions of the Town of Cambridge Local Government and Public Property Local Law 2017 and this policy and thereby results in costs and expenses for the Town, then such costs and expenses will be recovered by the Town from the person(s) responsible. These costs include removal and/or destruction of the offending sign (material) by an Authorised Person or agent of the Town.

11.3 Signs displayed on local government property and public property, which are non-compliant with this Policy may be removed and impounded by the Town. A fee per sign will be payable for the return of any non-compliant signs.

11.4 Compliance with the Town of Cambridge *Local Government and Public Property Local Law 2017* will be enforced by the Town's Regulatory Services Section. Refer to Part 7, Offences and Penalties, and Schedule 1 of the Local Law which details the modified penalties that may be issued by an Authorised Person in the event of an offence being created.

11.5 The Town is authorised to impound any signs found to be in contravention of the Town of Cambridge Local Government and Public Property Local Law 2017 or this Policy and/or impose an Infringement Notice and/or impose an impounding fee, as adopted by the Council in the Annual Fees and Charges, on the person or agent responsible.

11.6 In the event of non-compliance or a sign contravenes this Policy, an Authorised Person may implement and/or recommend any of the following enforcement provisions:-

- (a) issue a written Caution and/or 'Request to Comply' that any non-compliance be rectified within a specified time period;
- (b) issue an Infringement Notice;
- (c) impound the sign and/or impose an impounding fee;
- (d) recommend that prosecution proceedings be implemented, or, any combination of the above enforcement actions.

Note:

For additional information also refer to:-

- Local Planning Policy No 3.15 - Advertising Signs.
- Council's Trading in Public Places Policy No 101 - concerning trading, business or commercial signs.

DEFINITIONS:

Definitions are taken as those detailed in the *Local Government Act 1995* and associated legislation.

The definitions in the *Town of Cambridge Local Government and Public Property Local Law 2017* and *Town of Cambridge Trading in Public Places Local Law 2016* apply to this Policy and include the following definitions:

'local government property' means anything which belongs to, is owned by or is under the care control or management of the local government and includes any flora and fauna thereon;

'public property' means any real property, land, lot, or reserve which is open and available for use by the public for public purposes, whether through payment of a fee or not, and includes any building, structure, flora or fauna thereon;

'road' has the same meaning as **'street'**;

'street' means a highway, thoroughfare or land used for vehicular or pedestrian traffic, and includes all the land lying between the property lines including the verge and footpath;

'sign' includes a notice, flag, mark, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols;

'thoroughfare' means any street, way, or place that is designed and used for the passage of vehicles, and includes the shoulders and embayments at the side or centre of the thoroughfare used for parking of vehicles;

'Verge' means that portion of land that lies between the front of a property and the edge of the thoroughfare, and between imaginary lines extended at a 90degree angle with the thoroughfare from the edge of the thoroughfare to meet the side boundaries at the front of the property;

Document Control

Office Use Only:

Previous Policy No	Policy No. 4.4.7			
Statutory Legislation and Compliance	<i>Local Government Act 1995;</i>			
Related Documents/Legislation	<i>Town of Cambridge Local Government and Public Property Local Law 2017; Town of Cambridge Trading in Public Places Local Law 2016</i>			
Date of Adoption by Council	Council Meeting – 1 July 1994			
Date Reviewed/Amended	17 September 1996 22 November 2005 17 November 2015	27 May 1997 22 April 2008 22 May 2018	27 June 2000 25 May 2010 28 July 2020	28 October 2003 24 April 2012
Next Review Date	April 2024			

Administrative Change

Note Amended: Reference to Planning Policy No 5.2 - "Advertising Signs" amended to read "Local Planning Policy No 3.15 - "Advertising Signs" in accordance with changes to Planning Policies.