

## POL 0062: Advertising Signage in a Thoroughfare or Public Place

### Purpose

The purpose of this policy is to provide a regulatory framework for the design and placement of portable advertising signs within the Local Government. Council supports the need for signage to promote tourism, business, public events and community groups and services but also supports the need for regulation so that signage does not adversely impact the amenity and streetscapes of the Shire.

### Scope

This policy will guide the Shire, local business and the community on circumstances where portable advertising signs may be displayed in public places within the District; and also circumstances where signs may be removed from public places if displayed contrary to this policy and/or our Local Law.

This policy does not cover -

1. fixed directional tourism signs or signs promoting public events;
2. signs and advertising devices on or in the vicinity of highways and main roads that come under the control of the Commissioner of Main Roads; or
3. signs, advertising or otherwise, that are covered under separate legislation (including election signage), local planning policies or the local planning scheme.

### Definitions

#### General Definitions

**Advertising Sign:** A sign that is used for the purpose of advertisement or to draw attention to a product, business, person or event and includes a home open sign and garage sale sign. In the case of signs advertising a business or commercial venture they shall only display material which advertises the business or the products available from the business to which the sign relates.

**Local Government:** means the Shire of Esperance

**Carriageway:** A portion of a road that is improved, designed or ordinarily used for vehicular traffic and includes the shoulders, and areas, including embayment's, at the side or centre of the carriageway, used for the stopping or parking of vehicles; and, where a road has two or more of these portions divided by a median strip, the expression means each of those portions separately.

**Event:** An occurrence proposed to be held within the Local Government on private or public land, either indoor or outdoor by a person(s) / group / organisation, where people assemble at a given time for entertainment, recreation, cultural or community purposes. This includes but is not limited to -

1. concerts and music festivals;
2. motorsport events, motor vehicle rallies and displays;

3. sporting events;
4. cultural and community events;
5. shows and fairs; and,
6. exhibitions, wine and food festivals.

**Footpath:** An area that is open to the public that is designated for, or has as one of its main uses, as use by pedestrians and includes dual use or shared paths.

**Local Law:** The Shire of Esperance, Activities in Thoroughfares and Public Places and Trading Local Law 2016.

**Median Strip:** Any physical provision, other than lines, dividing a road to separate vehicular traffic proceeding in opposing directions or to separate two one-way carriageways for vehicular traffic proceeding in opposing directions.

**Portable Sign:** Includes 'A' frame or inverted 'T' signs, garage sale signs, home open signs, horizontal and vertical banner signs, and variable message signs (including trailer mounted).

**Public Place:** Any thoroughfare or place the public is allowed to use, whether or not the thoroughfare is on private property, and includes local government land/property but does not include premises on private property from which trading is lawfully conducted.

**Sporting and Community Sign:** A portable advertising sign erected by not-for-profit sporting, or community groups or services for the purpose of advertising a sporting or community event (e.g. cultural activities, sporting registration days, arts and craft fairs, market days or other events of public interest).

**Thoroughfare:** A road or other thoroughfare and includes structures or other things appurtenant to the thoroughfare that are within its limits, and nothing is prevented from being a thoroughfare only because it is not open at each end.

**Traffic Controlled Intersection:** An intersection that has traffic control lights, stop signs, or give way signs directing traffic.

**Traffic Island:** Any physical provision, other than lines, marks or other indications on a carriageway, made at or near an intersection to guide vehicular traffic.

### Sign Types

**'A' Frame of 'T' Frame:** A self-supporting sign of rigid, lightweight material that is capable of being easily moved by hand, in 'A' or 'T' frame configuration.

**Garage Sale:** A sign made from cardboard/corflute, paper or other lightweight material that is used to direct persons to a garage sale at residential premises.

**Home Open:** A sign made from cardboard/corflute or other lightweight material used to direct persons to a home for sale that is open for inspection and includes display homes.

**Horizontal Banner:** A sign made of lightweight, non-rigid material such as cloth, canvas or similar attached by rope or similar material to poles or other vertical anchoring points.

**Shire Project:** A sign made from cardboard/corflute or other lightweight material used to promote constructions projects being undertaken by the Shire.

**Verandah:** an advertisement above, on or under a verandah, cantilever awning, cantilever verandah and balcony over a public thoroughfare and maybe either of -

1. be a verandah sign – verandah facia, where the verandah sign is fixed to the outer or facia of a verandah and shall not project beyond the outer frame or surround of the facia; or,
2. be a Verandah sign – under verandah, where the verandah sign is fixed at right angles to the front wall of the building to which it is to be affixed, except at the corner of a building at a thoroughfare intersection, where the sign maybe placed at an angle with the wall so as to be visible from both thoroughfares

**Vertical Banner:** A fabric or similar material sign with a single mast constructed of carbon- fibre or similar flexible material attached to a weighted base or otherwise anchored to the ground. These are typically marketed as ‘teardrop’, ‘feather’ or ‘blade wing’ signs.

**Variable Message:** An electronic sign that is capable of displaying a single message, or a series of messages

## **Practice**

### Strategic Context

This policy links to Growth – outcome 12. A prosperous and diverse economy within the Shire’s Council Plan 2022-2032, and specifically the following outcome:

12.1 Attract and retain diverse industries and enterprises to grow the economy and local jobs.

### Policy Statement

Portable advertising signs are not to be -

1. erected, placed or maintained on roundabouts, traffic islands, median strips, or within 10m of traffic controlled intersections at or around the following locations -
  - a. Norseman / Harbour Road / Coolgardie Esperance Highway;
  - b. Dempster & Andrew Street;
  - c. Andrew & Windich Street;
  - d. Dempster & William Street;

Note: Harbour Road come under the control of Main Roads Western Australia (MRWA) and as such, the control and placement of signs at those locations requires MRWA approval. Where there are compliance issues regarding the placement of signs at those locations, the Shire and MRWA work closely together to resolve those issues; or

2. attached to existing signs, including other advertising signs, or on any road related infrastructure such as traffic sign supports, or on or between trees or other vegetation; or
3. electronically illuminated or have an electronic or animated display; or

4. placed on any footpath where the speed limit on the road abutting the footpath is 60 kilometres per hour or greater; or
5. mounted to a vehicle and/or trailer.

Portable advertising signs in public places shall -

1. have no moving parts once the sign is in place;
2. be placed on the property boundary and provide a minimum of 1.2 metres clearance from the abutting thoroughfare;
3. be weighted or anchored to retain their position in all weather conditions other than the circumstance in (d) below;
4. be removed by the owner during periods of severe weather warnings issued by the Bureau of Meteorology;
5. be manufactured from high quality materials (metal, plastic, wood or fabric) and have professional sign writing and/or graphics (including blackboards that are professionally presented);
6. be designed and supported in a manner that ensures there is no risk of injury to the public through sharp edges, projections, potential trip hazards or similar and
7. in the case of signs that advertise a business or other commercial venture, only be displayed when the business or other commercial venture to which it relates is attended by a representative of the business or commercial venture.

#### Signs requiring a permit

The Shire of Esperance *Activities in Thoroughfares and Public Places and Trading Local Law 2016* establishes the need for a permit to display certain types of portable advertising signs.

Subject to clause 2.2, permits are required for 'A' or 'T' frame signs, verandah, horizontal and vertical banner signs; and variable message signs that -

1. promote or advertise a business or any other commercial venture; and
2. promote or advertise a sporting event, community event, community group or community service.

A permit application fee will be charged for signs that advertise a business or commercial venture, but will not be charged for signs promoting charitable not-for-profit sporting or community events or services. To not be charged a fee, an organisation or individual is required to be a not-for-profit organisation (with an incorporation certificate) or a charitable organisation. The permit application fee is prescribed in Council's adopted Schedule of Fees and Charges.

The owner of a portable advertising sign advertising a business or commercial venture will be required to provide evidence of current broad form public liability insurance to the minimum value of \$10,000,000

Portable advertising signs for which a permit is required and has been issued will be required to indelibly display, the current permit number at the top right hand corner on one external face of the sign. Permits will be issued annually, unless the sign is only required for a short duration, or unless this policy requires otherwise; after which the permit holder will be required to apply for a permit renewal.

'A' or 'T' frame signs shall -

1. be limited to a maximum of one sign per business premises and placed directly in front of, or as near as is practically possible to the business to which it relates;
2. be placed with a set back from the carriageway of no less than 0.5m, and placed to maintain a clear thoroughfare (footpath) width of no less than 1.8m; and
3. have a maximum vertical or horizontal dimension of 1.2m and have an area allocated for advertising of no more than 0.9m<sup>2</sup> on either side.

Horizontal banner signs -

1. will only be approved when promoting or advertising sporting or community events or services;
2. shall have a maximum height of 1.5m;
3. shall have a maximum width of 2.5m; and
4. may be displayed for a maximum period of 14 days before an event and removed by the owner no later than one day after the event.

Vertical banner signs shall -

1. be a fabric sign with a single mast;
2. have a maximum flag size of 2.8m by 1.0m with a maximum height, including the stand, of 3.5m (when placed on an open verge);
3. have a maximum flag size of 2.0m by 1m with a maximum height, including the stand, of 2.5m (when placed on a footpath);
4. be no more than 60cm wide below 2m high; and
5. have no more than one vertical banner per 4m of street frontage (with a maximum of four banners per business) and excludes the use of an 'A' or 'T' frame sign (where more than one vertical banner is displayed, each banner shall display a different product or message).

Verandah sign shall -

1. where illuminated have any boxing or casing in which it is enclosed constructed of non-combustible material;
2. not have a light of such intensity of colour as to cause annoyance to the general public or to owners and patrons of adjacent land
3. not comprise flashing or intermittent or running lights;
4. have a minimum clearance of 2.75m from finished ground level

The Shire will not approve the use of variable message signs in a public place for the purpose of advertising a business or commercial venture.

Owners of approved business or commercial ventures that have no fixed business location may apply to use up to two portable advertising signs ('A' or 'T' frame, or other lightweight signs but not including banner or variable message signs) to advertise the location from which the business is currently being undertaken. The first sign to be at the approved trading location, the second is to be located within 500 metres driving distance of that location and shall otherwise comply with the requirements of this policy and the Local Law.

Signs not requiring a permit

Permits are not required for garage sale signs or home open signs. The owner of the signs is responsible for their placement and removal in accordance with this policy and the Local Law. Removal of the signs includes all materials from which the sign is constructed, and all materials used to secure the signs in place.

Garage sale signs are to include the address details, street number and street name, of the premises in which the garage sale is being held.

Restrictions -

1. no more than six separate signs shall be used to advertise or promote the same garage sale, or home open;
2. signs are not to be displayed more than one kilometre from the garage sale or home open, (two kilometres in rural and rural residential areas), within 250m of any other sign advertising or promoting the same garage sale or home open, or within 50m of any other portable advertising sign; and
3. signs should not delineate any more than two alternative routes to the garage sale, or home open.

Garage sale signs, and home open signs shall -

1. be free standing and not affixed to any sign, post, power or streetlight pole, or similar structure (including trees and other vegetation);
2. not exceed 500mm in height or 0.5m<sup>2</sup> in area;
3. not obstruct the vision of a driver of a vehicle entering or leaving a street or other public place; and
4. not interfere with the safe and convenient passage of pedestrians.

Government, Public Authority or Local Government Signage

Despite any other provision of this policy a government, public authority or local government in the carrying out of their respective duties are exempt for the requirement to gain a permit,

Refusal of applications

Applications that do not comply with the requirements of the Local Law and this Policy will be refused by the Shire.

Removal of unauthorised signs

Portable advertising signs placed contrary to this policy and/or the Local Law may be impounded by the Shire.

Impounded signs may be claimed by the owner following payment of an impound fee as prescribed in Council’s Schedule of Fees and Charges. In addition to the impound fee, owners of impounded signs may also receive a written caution and/or an infringement.

.....End.....

## Document Information

Responsible Position	Manager Waste and Environmental Health
Risk Rating	Medium

## Referencing Documents

- *Local Government Act 1995*
- *Activities in Thoroughfares and Public Places and Trading Local Law 2016*

## Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Jan 2018	1		New policy	O0118-013	Jan 2020
Apr 2018	2	D18/374	New Policy Res O0118-013, amend point 1 under 'size, structure and stability of signs' section.	O0418-075	April 2020
Dec 2021	3	D18/374[v2]	Rewrite of policy	O1221-225	Dec 2023
Feb 2024	4	D18/374[v3]	Update strategic context section. Increase public liability required to \$10 million. Amend responsible position title.	O0224-018	Feb 2026
Feb 2026	5	D18/374[v4]	Biennial review, no change.	O0226-031	Feb 2028