

CPXXX	Portable Advertising Signs in Public Places	V1 Draft
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1.0 PURPOSE

1.1 The purpose of this policy is to provide a regulatory framework for the design and placement of portable advertising signs within the City of Busselton. 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 City.

2.0 SCOPE

2.1 This policy will guide the City, 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.

2.2 This policy does not cover:

- a. fixed directional tourism signs or signs promoting public events;
- b. 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
- c. signs, advertising or otherwise, that are covered under separate legislation (including election signage), local planning policies or the town planning scheme.

3.0 DEFINITIONS

General

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.

Busselton City Centre: the area bounded by Marine Terrace, the Lower Vasse River, Brown Street and West Street.

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Carriageway: a portion of a road that is improved, designed or ordinarily used for vehicular traffic and includes the shoulders, and areas, including embayments, 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.

Dunsborough Town Centre: the area bounded by Caves Road, Cape Naturaliste Road, Dugalup Brook, and Geographe Bay Road; and the area bounded by Seymour Boulevard, Chieftan Crescent and Seymour Park.

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Event: an occurrence proposed to be held within the City of Busselton 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:

- a. concerts and music festivals;
- b. motorsport events, motor vehicle rallies and displays;
- c. sporting events;

- d. cultural and community events;
- e. shows and fairs;
- f. exhibitions, wine and food festivals; and
- g. surfing events.

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 City of Busselton *Activities in Thoroughfares and Public Places and Trading Local Law 2015*.

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 (eg. 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 or 'T' frame sign: 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 sign: 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 sign: 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 sign: 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.

City project sign: a sign made from cardboard/corflute or other lightweight material used to promote constructions projects being undertaken by the City.

Vertical banner sign: 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 sign: an electronic sign that is capable of displaying a single message, or a series of messages.

4.0 LEGISLATION

4.1 Clause 3.2 of the Local Law:

- (1) *A person shall not without a permit, erect, place or maintain an advertising sign:*
- (a) *on or above a thoroughfare;*
 - (b) *on a path;*
 - (c) *over any path where the resulting vertical clearance between the sign and the path is less than 2.5 metres (Note: s.45B of the Building Regulations 2012 require a vertical clearance of 2.75 metres and would prevail over the Local Law);*
 - (d) *on or within 1 metre of a carriageway;*
 - (e) *in any other location where the sign is likely to obstruct line of sight along a thoroughfare or cause danger to the person using the thoroughfare; or*
 - (f) *on any natural feature including a rock or tree on a thoroughfare, or on any bridge or the structural approaches to a bridge.*
- (2) *Notwithstanding subclauses (1) and (2), a permit is not required in respect of a home open sign or garage sale sign provided that:*
- (a) *the sign neither exceeds 500mm in height or 0.5m² in area;*
 - (b) *the sign is placed or erected on a thoroughfare no more than half an hour prior to the garage sale or home open and is removed within half an hour of the close of the garage sale or home open; and*
 - (c) *there is no more than one garage sale or home open sign at any road intersection and no more than six separate signs which delineate not more than 2 alternative routes to the home open or garage sale.*

4.2 Under section 29(1) of the *Local Government (Functions and General) Regulations 1996* (the Regulations):

- (1) *A contravention of a regulation or Local Law made under the Act can lead to the impounding of goods involved in the contravention if:*
- (a) *it occurs in a public place; and*
 - (b) *either:*
 - i. *the presence of the goods presents a hazard to public safety, or obstructs the use of any place; or*
 - ii. *where the regulation or Local Law prohibits or regulates the placement of the goods, the goods are located in a place contrary to that regulation or Local Law.*

5.0 POLICY CONTENT

General

5.1 Portable advertising signs are not to be:

- a. erected, placed or maintained on roundabouts, traffic islands, median strips, or within 10m of traffic controlled intersections; at or around the following locations:
- i. Bussell Highway;
 - ii. Busselton Bypass;
 - iii. Caves Road;

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iv. Busselton City Centre;

~~a-v.~~ Dunsborough Town Centre; or

note: Busselton Bypass, Caves Road and a portion of the Bussell Highway 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 in those locations, the City and MRWA work closely together to resolve them; or

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- b. attached to existing signs, including other advertising signs, or on any road related infrastructure such as traffic sign supports, bus shelters, or on or between trees or other vegetation; or
- c. electronically illuminated or have an electronic or animated display; or
- d. placed on any footpath where the speed limit on the road abutting the footpath is 60 kilometres per hour or greater; or
- e. mounted to a vehicle and/or trailer.

5.2 Portable advertising signs in public places shall:

- a. have no moving parts once the sign is in place;
- b. be placed on the property boundary and provide a minimum of 1.2 metres clearance from the abutting thoroughfare.
- c. be weighted or anchored to retain their position in all weather conditions other than the circumstance in (d) below;
- d. be removed by the owner during periods of severe weather warnings issued by the Bureau of Meteorology;
- e. 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);
- f. 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
- g. in the case of signs that advertise a business or other commercial venture, only be displayed during operating hours of the business or other commercial venture to which it relates.

Signs requiring a permit

5.3 The City of Busselton *Activities in Thoroughfares and Public Places and Trading Local Law 2015* establishes the need for a permit to display certain types of portable advertising signs.

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

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

5.5 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.

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

which indemnifies the City of Busselton against any claims for damages arising from the sign on the public land.

- 5.7 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 generally be issued for 3 years, 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.
- 5.8 'A' or 'T' frame signs shall:
- 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;
 - 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
 - have a maximum vertical or horizontal dimension of 1.2m and have an area allocated for advertising of no more than 0.9m² on either side.
- 5.9 Horizontal banner signs:
- will only be approved when promoting or advertising sporting or community events or services;
 - shall have a maximum height of 1.5m;
 - shall have a maximum width of 2.5m; and
 - 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.
- 5.10 Vertical banner signs shall:
- be a fabric sign with a single mast;
 - 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);
 - 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);
 - be no more than 60cm wide below 2m high; and
 - 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).
- 5.11 The City will not approve the use of variable message signs in a public place for the purpose of advertising a business or commercial venture.
- 5.12 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

- 5.12 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.

5.13 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.

5.14 Restrictions:

- a. no more than six separate signs shall be used to advertise or promote the same garage sale, or home open;
- b. 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
- c. the signs should not delineate any more than two alternative routes to the garage sale, or home open.

5.15 Garage sale signs, and home open signs shall:

- a. be free standing and not affixed to any sign, post, power or streetlight pole, or similar structure (including trees and other vegetation);
- b. not exceed 500mm in height or 0.5m² in area;
- ~~c.~~ ~~not be displayed any more than 30 minutes before, or 30 minutes after the event;~~
- ~~d.~~ ~~not obstruct the vision of a driver of a vehicle entering or leaving a street or other public place; and~~
- ~~e.~~ ~~d. not interfere with the safe and convenient passage of pedestrians; and~~
- ~~f.~~ ~~not be placed in any public place contrary to this policy and/or the Local Law.~~

City project specific signs

5.16 City project specific signs have been developed by the City as a means of promoting public works and projects it is undertaking throughout the District. These signs will only be displayed during construction works when there are workers on site.

5.17 As the approving authority for portable advertising signs, the City will be deemed to have approval to display these signs without the need to apply for individual permits.

Refusal of Applications

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

Removal of unauthorised signs

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

5.20 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.

Policy Background

Policy Reference No – TBD

Owner Unit – Ranger and Emergency Services

Originator – Ranger and Emergency Services Coordinator

Policy Approved by – Council

Date Approved –

Review Frequency – as required
Related Documents – *Activities in Thoroughfares and Public Places and Trading Local Law 2015*

History

Council Resolution	Date	Information
		Date of Implementation Version 1

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