



6.1.4 ADVERTISEMENTS

Purpose

The purpose of this Policy is to provide guidance on the granting of Development Consent for advertisements that are not exempt under the Scheme.

Objectives

The objectives of this Policy are:

- a) To provide a consistent approach to the consideration of Development Applications for advertisements;
- b) To identify appropriate limits on the proliferation of advertisements in the Shire in order to protect visual amenity and safety in a manner that recognises the importance of advertising for local businesses.

Policy Exclusions

This Policy excludes the following:

- a) Signs required under the Road Traffic Act 1974 or other signs provided by the local government or Main Roads for the information of motorists;
- b) Temporary signage approved by the local government to advertise events or provide information of community interest;
- c) Direction signs located on road reserves and approved by the authority responsible for the road;
- d) Electoral signs associated with a declared federal, state or local government election and located wholly within private property and removed immediately after the election date; and
- e) The painting of a commercial premises in a corporate colour scheme

Policy Background

The local government has maintained a Local Law relating to signage since 1968. The most recent local law was the Shire of Manjimup Signs Local Law 2000. Control of advertisements is considered necessary in order to protect the amenity of locality in terms of the:

- Type of signage;
- Number of signs in a given area;
- Size of signage;
- Avoidance of signage in a location that may create harm or nuisance;
- Removal of dilapidated signage; and
- Avoidance of signage containing information of an inappropriate nature.

The control of advertisements through a local planning scheme became operational in the Shire of Manjimup in December 2010 with the gazettal of Local Planning Scheme No. 4. This coincided with advice from the state government that control of signage

through a local law made under the Local Government Act 1995 is to be removed as new local planning schemes incorporating advertisement controls become operational.

This Policy has been modelled on the previous local law and policies with appropriate changes to reflect the differing approval regime provided by the Scheme.

Policy Measures

General Requirements

Except where otherwise varied by this Policy, the following apply to all advertisements.

An advertisement shall -

- a) Afford a minimum headway of not less than 2.4m;
- b) Not be within 300mm of either end of the wall to which it is attached;
- c) Not be placed on a corner of a building, except at a street intersection where it may be placed at an angle with the walls so as to be visible from both streets;
- d) Not obstruct access to or from a door, fire escape or window, other than a window designed for the display of goods.

An advertisement or advertisements shall not exceed, in total area, 25% of the area of any external elevation of the premises on which the advertisement or advertisements are displayed.

The holder of an approval in respect of advertisement shall keep it clean and free from unsightly matter and in good condition and presentation at all times.

An advertisement is not to contain any words, pictures and other material deemed by the local government to be offensive.

Prohibited or Restricted Signs

A person shall not erect, maintain or display an advertisement:

- a) So as to obstruct the view from a street or public place, of traffic in the same, or any other street, or public place;
- b) So as to be likely to be confused with, or mistaken for, an official traffic light or sign, or so as to contravene the Road Traffic Act 1974, or Regulations made under that Act;
- c) On a tower, mast, chimneystack, spire, dome or similar architectural feature or on a lift machinery room, bulk-head over stairs or other superstructure over the main roof of a building;
- d) On a building where the stability of the building is, in the opinion of the local government, likely to be affected by the sign;
- e) In a position where it unduly obstructs or obscures a person's view from a dwelling, a river, the sea or any other natural feature;
- f) On land or a roof of a building or verandah other than that on which is conducted a business or profession and to which the sign relates;
- g) On a light pole, power pole or verandah post;
- h) As a free standing sign above a roof; or

- i) On any land that is used for residential purposes unless specifically permitted by the Scheme.

A person shall not erect maintain or display:

- a) Advertising flags other than Corporation and Franchise or as may be approved by the local government;
- b) Any bunting;
- c) Any flashing, intermittent or sequential lights used for the purpose of advertising or are a traffic hazard;
- d) Any sign on a roof of a building or the roof of a verandah;
- e) Any sign which rotates or tumbles;
- f) Any sign which incorporates a mirrored surface and is visible from the street; or
- g) Any hoarding.

Notwithstanding the *General Requirements* of this Policy, the local government may approve any advertisement in the interest of the community or which in the view of Council is not injurious to the natural beauty of the area and which can be located so as to not create a traffic hazard or compromise the safety of the travelling public.

Where advertising signage is permitted by the local government under the *General Requirements* of this Policy, such signage shall be in accordance with the provisions of this Policy or as varied under clause 5.5 of the Scheme.

Fly Posting

No person shall fly post at any place or location within the district of the Shire.

Bill Posting

A person shall not post a bill or paint, stencil, place or affix an advertisement on a street or on a building, structure, fence wall, footpath, sign post, blind or awning.

Notwithstanding:

- a) Advertisements affixed to, or painted on, a shop window by the occupier and relating to the business carried on therein;
- b) Signs within a building; or
- c) The words stating the name and occupation of any occupier of business premises painted on a window or wall of those premises;

Are permitted without approval.

Information Panels

The local government may provide information panels or bays of varying sizes and charge fees for the inclusion of advertisements in such panels or bays.

Illuminated Signs

Every illuminated sign shall:

- a) Have any boxing or casing in which it is enclosed constructed of

- incombustible material;
- b) Where comprising glass (other than fluorescent tubing) have the glass so protected as to prevent its falling into a public place in the event of breakage;
- c) Have its electrical installation constructed and maintained to the satisfaction of Western Power or the appropriate electrical supply authority and in accordance with the relevant Australian Standard;
- d) Be maintained to operate as an illuminated sign;
- e) Not have a light of such intensity as to cause annoyance to the public or be a traffic hazard; and
- f) Not emit a flashing, intermittent or sequential light.

Pylon Signs

A pylon sign shall:

- a) Not have any part thereof less than 2.4m or more than 6m above the level of the ground immediately below it;
- b) Not exceed 4.5m² in area;
- c) Be supported on one or more piers or columns of brick, stone, concrete, timber or steel of sufficient size and strength to support the sign under all conditions;
- d) Not be within 2m of the side boundaries of the lot on which it is erected. If the lot on which the pylon sign is erected abuts an intersecting street or right-of-way, Council may authorise the erection of the sign at a lesser distance than 2m;
- e) Not be erected so that it projects over any pedestrian access way or street more than 0.9m.

Pylon signs shall be restricted to one (1) per lot.

Where a pylon sign is to be erected on a lot on which a factory tenement building or small shops are erected or are to be erected, Council may require the pylon sign to be incorporated into one sign complying with the following:

- a) Initial approval is to be given to the pylon sign framework together with one or more sign infill;
- b) A licence is not required for each additional infill;
- c) All infills are to be of an equal size and space is to be provided for one infill for each shop or unit on the lot.

Pylon signs are to obtain a Building Permit as a condition of approval under this Policy. Where a pylon sign is to be illuminated, it is to meet the provisions of *Illuminated Signs* of this Policy.

Verandah Signs

A sign fixed to the outer or return fascia of a verandah:

- a) Shall not exceed the height of the fascia;
- b) Shall not project beyond the outer metal frame or surround of the fascia.

A sign under a verandah shall:

- a) Afford a headway of not less than 2.4m;
- b) Not exceed 2.5m in length or 0.4m in height or 1m² in area;
- c) Not weigh more than 55kg;
- d) Not be within 3m of another sign under that verandah or within 0.5m of the side wall of the shop or office; and
- e) Be fixed at right angles to the front wall of the building before which it is erected except on a corner of a building at a street intersection where the sign may be placed on a verandah / awning truncation so as to be visible from both streets.

Signs to be fixed to the building above the top of the verandah or above 5m from the ground level in the absence of a verandah will require local government approval prior to installation.

Remote Signs

Remote signs or hoardings are not permitted unless the local government has granted approval in accordance with this Policy.

Remote signs will not be approved by the local government unless the following criteria are met:

- a) The remote sign is associated with a tourist-related business or a business that provides goods or services to the travelling public that has been approved by the local government;
- b) It is erected within private property in a location approved by the local government and Main Roads in the event of it being located adjacent to a road dedicated under the Main Roads Act 1933.
- c) The owner or owners of the property in which the remote sign is to be erected provide written approval and sign the Application for Development Approval form;
- d) The advertiser has obtained approval of the local government prior to its erection;
- e) It is located not less than:
 - a. 140m of another remote sign where the speed limit of the adjacent road is 110km/h;
 - b. 120m of another remote sign where the speed limit of the adjacent road is 100km/h; or
 - c. 100m where the speed limit of the adjacent road is 90km/h or less;
- f) The sign faces the direction of approaching traffic on the side of the road to which it is adjacent (i.e. left hand side of approaching vehicles) unless otherwise approved by the local government;
- g) It is located within 15km of the business to which the sign relates, or as otherwise determined by the local government taking into account the business location and the importance of the sign to providing information to the travelling public;
- h) It is not located within a gazetted Townsite;
- i) Minimum sign infill height of 0.9m and a maximum sign infill height of 1.5m;
- j) Maximum sign infill width of 2m;
- k) Maximum sign infill area of 3m²;

- l) The bottom of the sign panel being a minimum of 0.9m above ground level and the top of the sign being no greater than 3m above ground level; and
- m) Displays the authorisation of the local government.

No more than two (2) remote signs per business will be permitted.

In determining an application under this Policy, the local government is to consider the impact on the amenity of the locality of the proposed sign in the context of the sign itself, its relationship to existing signs in the locality and to the potential for additional signs to be erected as a consequence of approval.

Portable Signs

A portable sign is not permitted to be displayed within a road reserve or other public place unless approval has been granted by the local government.

Portable signs are permitted without approval where wholly located within the private property of the business to which the sign relates.

Portable signs are not to indicate or display any matter other than the business name of the premises to which it relates, the products and services relevant to the nature of the business carried out therein, indications of a "sale" and/or business logos of the related premises.

A portable sign in a road reserve or other public place is required to meet the following criteria in order to be approved by the local government:

- a) Maximum of one (1) portable sign per business;
- b) Located immediately adjacent to the business to which the portable sign relates and in a position that is approved by the local government;
- c) Located so that pedestrian access is not impeded (i.e. a minimum of 1.2m footpath width remaining);
- d) Is not located on a road reserve dedicated under the Main Roads Act 1933;
- e) Has a maximum dimension of 0.6m wide and 1.2m tall, including any frame;
- f) Has a weight and design sufficient to prevent the portable sign from falling in normal weather conditions or is otherwise tethered as approved by the local government;
- g) Is displayed only during the hours that the business is open; and
- h) Displays the authorisation of the local government.

Portable signs located remote from the business to which the sign relates are not permitted within gazetted Townsite areas.

A tourist-related business located outside of a gazetted Townsite may be permitted an additional portable sign at the nearest road junction to the business, subject to the requirements criteria i-vii and in a location approved by the local government.

Administration

Form of Application

Applications are to complete the Application for Development Approval and Additional Information for Advertisements forms contained in Schedules 12 and 16 of the Scheme respectively.

Development Approval Required for Non-Exempt Advertisements

Development Approval under Part 10 of the Scheme is required for advertisements that do not meet the parameters for exemption provided in Schedule 15 of the Scheme.

Where adequate details of advertisements are provided within an Application for Development Approval for any development, approval of the development will include approval of the advertisement unless otherwise stipulated.

An applicant aggrieved by a decision of the local government in relation to an application under this Policy shall have the right of reconsideration or right of review under clauses 10.9 and 10.11 of the Scheme respectively.

Applications Consistent with Policy

Where an Application for Development Approval is consistent with this Policy and any other requirement of the Scheme or relevant Local Planning Policy, Development Approval under Part 10 of the Scheme will be granted under delegated authority to the Chief Executive Officer.

Applications Requiring Variation of Policy

Where an Application for Development Approval requires a variation to a provision of this Policy, the variation is to be considered by the local government in accordance with clause 5.5 of the Scheme.

Delegated authority is not to be exercised for the consideration of variations to the Policy.

Advertisements Approved Under Local Law

Advertisements approved under former Shire of Manjimup Signs Local Law 2000 are considered to have approval under this Policy.

Portable and Remote Signs to Show Authorisation

All approved portable and remote signs are to display an authorisation sticker provided for the purpose by the local government.

All approved portable signs are to be located at all times in the position approved and marked by the local government.

Unauthorised Advertisements

Any advertisement that has not obtained approval under this Policy or is exempted from the need for approval by the Scheme will be considered an unauthorised existing

development under clause 8.6 of the Scheme.

Application for retrospective approval of the advertisement can be made where the unauthorised sign is consistent with this Policy. Alternatively, the owner of the advertising sign can remove the sign if directed by the local government.

Where in the opinion of the local government the advertisement is not appropriate in the light of this Policy, it may issue a direction to remove the advertisement under clause 11.7 of the Scheme.

In the case of unauthorised advertisements located within a road reserve or other public place, the local government will confiscate or require immediate removal of the advertisement(s) in accordance with its powers under the Local Government Act 1995.

Removal and Repair of Existing Advertising Signs

Clause 11.2 of the Scheme relates to the removal or repair of advertising signs that are considered by the local government to be in conflict with the amenity of the locality.

Compliance with this Policy and the granting of approval will be considered to adequately protect the amenity of the locality.

Damaged or deteriorated signs that are considered to be in conflict with the aims of the Scheme or cease to be effective for the purpose for which they were erected or displayed will be dealt with in accordance with clause 11.2 of the Scheme.

ADOPTED – 8 December 2016

EFFECTIVE – 21 December 2016

NEXT DUE FOR REVIEW – December 2020

The Administration of this Policy is by the Development and Regulation Division.
