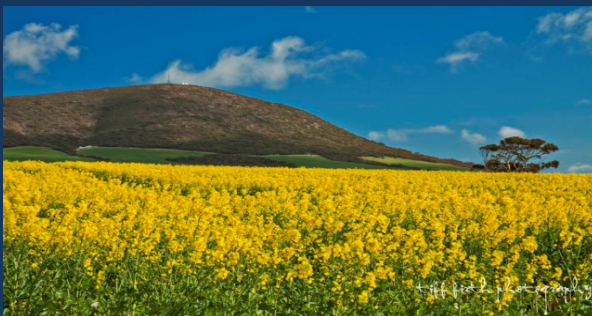




LOWER EYRE
COUNCIL

Moveable Signs Policy



“Working with our Rural & Coastal Communities”

	<h1>DEV-POL-05 - MOVEABLE SIGNS</h1>	Version No:	1.1
		Issued:	July 2023
		Next Review:	June 2027

Responsible Department:	Development & Environmental Services
Policy Adopted:	19/07/2023
Minute Reference:	OCM/23/096
Applicable Legislation:	Local Government Act1999
Related Policies/Procedures:	By-Law 2 – Moveable Signs
Review Frequency:	Upon Local Government Elections or legislative change

1. Introduction

The Lower Eyre Council recognises the needs of local businesses, community events and business operators in the provision of adequate and suitable promotion through the placement of moveable signs on Council footpaths.

To assist businesses and maintain a controlled aesthetic within townships, Council has adopted By-Laws for the management of moveable signs within the district and this policy has been developed to provide guidance for staff in processing requests for additional signs and additional conditions applying to By-Law 2 – Moveable Signs.

2. Purpose

The objective of this policy is to:

- assist business operators in promoting their businesses/events by way of moveable signs and understand their responsibilities in relation to such displays;
- ensure the public’s safety through the management of moveable signs.
- facilitate consistent, responsible and informed decision making in relation to applications for a permit to authorise the display of a moveable sign contrary to a provision (or provisions) of the By-law.

3. Policy

3.1 Construction and Design

The Council has resolved, by way of adopting this Policy, to give permission under clause 7.6 for the insert of a moveable sign to be painted with blackboard paint, however the frame of the sign must still be constructed of the materials outlined within Clause 7.6 of the By-law.

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3. Policy

Cont'd:

3.2 Placement of moveable signs

a) By-Law Clause 8.7 - a moveable sign must not be placed within 1.5 metres of a kerb;

In contrast to Clause 8.7 of the By-Law, Council have agreed by way of adopting this policy to allow for a sign to be placed within 1.5 metres of a kerb provided that:

- the placement does not pose a hazard to pedestrians or motorists; and
- the sign is placed nearby a signpost, stobie, light pole or other permanent structure of some height that alerts motorists to the obstruction (i.e. avoids the passenger opening a door into the sign).

b) By-Law Clause 8.9 – a moveable sign must not be placed within 10 metres of an intersection of two or more roads.

In contrast to Clause 8.9 of the By-Law, Council have agreed by way of adopting this policy to allow for a sign to be placed within 10 metres of an intersection of two or more roads provided that:

- the business is located on a corner of the same intersection, and,
- the placement does not pose a hazard to pedestrians or motorists

A permit may be sought by a business for variation to these clauses following assessment of community safety and amenity of an area by staff.

3.3 Banners or flags

Clause 10 of the By-law outlines the requirements for the erection of a banner or flag on a building or structure on the road and in addition to those requirements, a banner must also comprise air holes / flaps of approximately 5 percent of the area of the banner to reduce wind effect.

4. Application for permit to display a moveable sign

Permits must be sought for variation to the By-law of Clauses 8.7 and 8.9 where the sign does not meet the criteria outlined within this policy or the By-Law.

Permits must also be sought for the placement of a secondary sign and/or banner (Clause 11.1 of the By-Law stipulates one sign per business).

4.1 The following policy considerations are intended to provide guidance to the Administration in assessing and determining applications (including subject to any conditions) to display a moveable sign contrary to the requirements outlined within the By-law or this policy:

4.1.1 the Council supports economic growth of the district.

(continued)

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4. Application for permit to display a moveable sign **cont'd:**

- 4.1.2 public safety is of paramount importance. A permit will not be granted to authorise the display of a moveable sign in a manner that would compromise the safety of a pedestrian, road user or any other person.
- 4.1.3 the Council desires, so far as is practicable, to preserve and enhance the amenity of existing areas. Consistent with this objective, moveable signs must be designed to a professional standard, be legible and of such design and colours that are compatible with the townscape and overall amenity of the locality in which the sign is situated.
- 4.1.4 the proposed design and location of the moveable sign;
- 4.1.5 any impact the moveable sign may have on the amenity in which it is proposed to be displayed;
- 4.1.6 whether the display of the moveable sign contrary to the requirements of the By-law (as identified in the application) would give rise to a risk to the safety of pedestrians or road users and the nature and extent of any such risk;
- 4.1.7 the number of moveable signs displayed in the area in which the sign is proposed to be displayed;
- 4.1.8 the number of moveable signs displayed within the Council's area by the applicant.

Where a permit is granted, the permit-holder is to be notified of the operation of section 226(4) of the Act. This provision provides that:

No action lies against the Council or an officer or employee of the Council for injury, damage or loss resulting from the placement of a moveable sign on a road unless the Council itself or some person acting on its behalf placed the sign on the road.

5. Enforcement

If a moveable sign is placed on a road:

- 5.1 contrary to the Council's By-law and without permission from the Council; or
- 5.2 in a manner that unreasonably restricts the use of the road or endangers the safety of the public-

then an authorised person may order the owner of the moveable sign (if known) to remove it from the road. If the owner cannot be found or fails to comply immediately with the order, the authorised officer may remove and dispose of the sign.

A person who displays a moveable sign that is contrary to the By-law on a road without the Council's permission commits an offence under the By-law and may, depending on the circumstances of the offending, be issued with an expiation notice for the offence.

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6. Definitions

The following definitions apply for the purposes of this Policy

Act means the *Local Government Act 1999*;

authorised Person is a person appointed as such pursuant to section 260 of the Act;

banner, or flag means a strip of cloth, plastic or other material hung up, or carried on a pole, fence or other structure;

business operator means a person operating a business or coordinator/s of a community event;

business premises means premises from which a business is being conducted;

By-law means the Council's Moveable Signs By-law No 2.;

community event means a local event of a religious, educational, cultural, social or recreational character that may be held within the Council's area from time to time;

Council means District Council of Lower Eyre Peninsula;

'feather' or 'teardrop' sign means a slip of cloth, plastic or other material attached to a vertical pole generally stabilised by a heavy base;

footpath area means:

- that part of a road between the property boundary of the road and the edge of the carriageway on the same side as that boundary;
- a footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles;

moveable sign has the same meaning as in the Act – a moveable advertisement or sign

Road has the same meaning as in the Act - being a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes:

- a bridge, viaduct or subway; or
- an alley, laneway or walkway

vehicle has the same meaning as in the Road Traffic Act 1961 and includes

- a motor vehicle, trailer and a tram;
- a bicycle;
- an animal-drawn vehicle, and an animal that is being ridden or drawing a vehicle;
- a combination; and
- a motorised wheelchair that can travel at over 10 kilometres per hour (on level ground), but does not include another kind of wheelchair, a train, or a wheeled recreational device or wheeled toy;

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7. Statutory Framework

Section 226 of the Act prescribes the circumstances in which a person can lawfully place and maintain a moveable sign on a road. These circumstances are **limited** to where a moveable sign:

- 7.1 complies with the requirements of the By-law including (but not limited to) the requirements relating to the design and structure of the sign and the location in which it is placed; **and**
- 7.2 does **not** unreasonably:
- restrict the use of the road; or
 - endanger the safety of members of the public.

A permit is required to authorise the display a moveable sign that does not comply with the above criteria.

Accordingly, if a person wishes to display a moveable sign contrary to a requirement (or requirements) of the By-law, then unless the Council has resolved to give permission for the moveable sign to be displayed, it is necessary for that person to make application to the Council for a permit to display the moveable sign.

8 Availability

Copies of this policy may be purchased for the fees outlined within Council’s current Schedule of Fees & Charges. This policy is available for inspection at the Council offices during ordinary business hours or on Council’s website (www.lowereyrepeninsula.sa.gov.au) at no cost.

DOCUMENT HISTORY		
Version:	Issue Date:	Description of Change:
0.1	March 2020	Endorsed for consultation
1.0	June 2020	Adopted with amendment from consultation version reflecting: <ul style="list-style-type: none"> • Removal of 1.5m from kerb edge • Provision for more than two signs (upon assessment)
1.1	19/07/23	Reviewed without amendment