



## Council Policy: Advertising on Council Land and Related Public Infrastructure

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| <b>Applicable Legislation:</b>                  | <a href="#">Local Government Act 1999 (SA)</a>  |
| <b>Related Policies or Corporate Documents:</b> | <a href="#">Council Policy - Use of Public Footpaths and Roads for a Business Purpose</a><br><a href="#">Council Policy - Graffiti Management</a><br><a href="#">West Torrens Council Development Plan</a><br><a href="#">By-law 1 : Permits and Penalties</a><br><a href="#">By-law 2 : Local Government Land</a><br><a href="#">By-law 3 : Roads</a><br><a href="#">By-law 4 : Moveable Signs</a> |
| <b>Associated Forms:</b>                        | Application for a Real Estate Sign  |
| <b>Note:</b>                                    |   |
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## **COUNCIL POLICY – Advertising on Council Land and Related Public Infrastructure**

### **1. Preamble**

- 1.1 Council manages public land, roads and footpaths in the City of West Torrens (CWT) to facilitate the free flow of traffic and the circulation of people, and for community leisure and recreational activities.
- 1.2 Increasingly, these assets are being recognised for their opportunities to generate other community benefits including opportunities to:
  - Promote community activities, events and other entertainment;
  - Display community artwork and school projects;
  - Place commercial advertisements to attract passing trade; and
  - Place directional signs to guide traffic to community and commercial facilities.

### **2. Purpose**

This policy aims to:

- 2.1 Maximise the benefits and return to the community from the use of Council land and public infrastructure for advertising, including opportunities to enhance the vibrancy and 'community feel' of public areas and to promote local economic viability; and
- 2.2 Specify the conditions under which Council land and public infrastructure may be used for commercial and community advertising, so that space is shared equitably and public safety and amenity is not compromised.

### **3. Scope**

- 3.1 This policy deals with the commercial and community use of roads, footpaths, public land and associated infrastructure for advertising and promotional purposes. It does not cover the placement of under-awning or above-awning business signs or advertising on private property and buildings. These are dealt with under the West Torrens Council Development Plan.
- 3.2 This policy does not apply to electoral advertising referred to in clause 14.2 of Council By-law No. 2 *Local Government Land*.
- 3.3 The management of graffiti and unauthorised posters are dealt with under the *Council Policy - Graffiti Management*.
- 3.4 Commercial and community use of Council land and public infrastructure for street trading, including the display of goods, is dealt with under *Council Policy - Use of Public Footpaths and Roads for Business Purposes*.
- 3.5 This policy should be read in conjunction with Council By-laws and provisions of the *Local Government Act 1999* (SA) (the Act).

## 4. Definitions

4.1 **Advertising** means a display for the purposes of promoting a business, event or activity and includes:

- Banners;
- Decorations such as flags, bunting and streamers;
- Posters;
- Moveable signage (A frames, T frames and flat signs);
- Directional signage;
- Real estate advertising boards.

4.2 **Artwork** refers to posters, sculptures, murals, paintings, craft work or other art forms to be displayed in a public space.

4.3 **Banner** means a large notice made from cloth, vinyl, corflute or other material bearing information about an event or activity and which is designed to be slung between two brackets or tied or hung from a fence or other structure.

4.4 **Community organisation** means registered public charities, schools, not-for-profit sporting clubs, youth and seniors groups, service organisations and special interest recreational or leisure groups.

4.5 **Commercial advertising** means advertising for the purposes of promoting a profit generating business (not a community or charitable business).

4.6 **Community advertising** means advertising for the purposes of generating broad community benefits (public good) and includes advertising of events to raise money for registered public charities, local schools, local churches and local community groups.

4.7 **Community land** has the same meaning as in the Act and excludes roads.

4.8 **Council oval** excludes Richmond Oval but includes:

- Camden Oval;
- Lockleys Oval;
- Thebarton Oval; and
- Weigall Oval.

4.9 **Directional signage** refers to street signs that indicate the direction and distance to a service, facility or business.

4.10 **Footpath** means:

- That part of the road not used as carriageway; or
- A footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles.

4.11 **Council land and public infrastructure** means footpaths, roads, Council buildings, community land and associated Council infrastructure, and public services infrastructure such as post and telephone boxes.

4.12 **Real estate advertising board** means a notice board offering a property for sale or lease.

4.13 **Road** has the same meaning as in the Act but excludes any roads in private ownership.

4.14 **Temporary event** means an event that is not annual and not a regular weekly, fortnightly or monthly activity

## 5. Policy Statement

### 5.1 General

5.1.1 Council recognises that the major part of footpaths, roads and community land must be preserved for public use rather than for commercial or community advertising. However, some advertising on Council land and public infrastructure will be allowed, subject to ensuring that it:

- Is in accordance with any management plans for community land;
- Is sympathetic with the character and amenity of the locality;
- Avoids unnecessary clutter and visual pollution;
- Protects public safety and enables the free flow of people and traffic;
- Provides uncluttered pedestrian access for those with impaired vision or mobility;
- Prevents proliferation so as not to obscure Council and traffic signage.
- Approved by relevant infrastructure service providers permissions before seeking Council approval.

5.1.2 Council's approach is to:

- Specify the types of commercial advertising that is allowed on Council land and public infrastructure (moveable signs, real estate advertising boards and local sports sponsorship), and the conditions / approvals to be obtained; and
- Facilitate advertising of community events, activities and projects, provided it is temporary advertising and in the interests of the community.

5.1.3 Council will not allow:

- Signs to be attached or fixed to street trees, street signs, Council poles, street furniture, fixtures such as benches and litter bins and public services infrastructure such as post and telephone boxes;
- The use of community land for a business purpose if it is contrary to the provisions of a management plan (section 200 of the Act);
- Advertising to be erected, displayed or painted on Council buildings or in Council parks without permission;
- Advertising to be affixed to bus shelters (unless authorised advertising for that shelter);
- Advertising to be placed on roundabouts, traffic islands, or median strips or fixed on buildings or structures on a road;
- Advertising or advertising hoardings to be displayed along arterial roads that have a speed limit of 80 km/h or more;
- Advertising or advertising hoardings to be placed within 10 metres of an intersection;
- Banners, decorations or suspended objects to be displayed in residential areas;
- Flashing, illuminated, animated or moving advertising signs on footpaths;
- Balloons, blimps and other floating or inflatable advertising devices.

5.1.4 Placement of all advertising will be in accordance with Council By-laws to protect public safety and amenity and will not impede access to street furniture or to public services.

- 5.1.5 Council will require individuals or organisations responsible for affixing advertising in unauthorised locations or contrary to Council By-laws or the West Torrens Council Development Plan to remove the advertising material immediately.
- 5.1.6 Failure to do so will result in the organisation or individual being charged for the cost of Council removing the material and also being penalised as applicable under any relevant By-law or provision of the Act.
- 5.1.7 The responsible person accepts total responsibility to make good any damage that occurs to CWT roads or to public infrastructure as a result of the erection or installation of signage.
- 5.1.8 Variations to the Policy requirements may be sought by applying to the Council in writing. All applications will be assessed on their own merit in accordance Council By-laws and relevant legislation.

## **5.2 Moveable signs on footpaths**

- 5.2.1 Council By-Law No 4 requires all moveable advertising signs to meet certain standards in terms of:

- Construction and design;
- Placement;
- Appearance;
- Restrictions;
- Exemptions.

- 5.2.2 The CWT will take action to have a moveable sign removed or relocated when:

- There is any hazard or obstruction or there is likely to be a hazard or obstruction arising out of the location of a moveable sign;
- There is a need to relocate or remove a moveable sign to protect public safety or enhance the amenity of a particular location for the purposes of any event, parade, roadwork or other circumstance;
- The sign is not placed adjacent to the property to which the sign relates; or
- The sign does not comply with the provisions of Council By-laws.

## **5.3 Real Estate Advertising Boards on Footpaths**

- 5.3.1 Council acknowledges that real estate agents sometimes wish to place advertising boards on public footpaths when it is impractical to locate them on the property to which they relate.
- 5.3.2 Permit applications must be submitted using the approved CWT application form. Applications will be considered on their merits and be assessed against the requirements of this policy.
- 5.3.3 All real estate advertising boards must meet certain standards to be erected on public footpaths, including construction and placement standards, and these are listed in Attachment 1.
- 5.3.4 Before a permit may be issued proof of insurance indemnifying the Council, its employees, servants and agents from and against all actions, costs, claims, damages, charges and expenses whatsoever which may be brought

or made or claimed against them arising out of or in relation to the issuing and granting of the permit is required

- 5.3.5 A current public risk insurance policy in the name of the permit holder insuring the permit holder for the minimum sum of twenty million dollars (\$20,000,000) must be maintained at all times.

#### **5.4 Permit Conditions**

- 5.4.1 Permits may not be assigned or otherwise transferred without first obtaining the consent of the CWT in writing;

- 5.4.2 The permit holder must:

- notify the CWT and obtain prior approval for any changes to the approved activity contained in the permit (changes to the activity may cause conditions to the permit to be altered, in which case a new permit will be issued);
- notify the CWT within 14 days of any changes to circumstances that would affect the validity of the permit (e.g. change of ownership of a company).
- make the permit available for inspection upon request by an authorised officer or police officer.

- 5.4.3 Authorised officers will monitor the placement of advertising boards and will take action against breaches of permit requirements. Repeated breaches will result in the cancellation of a permit without refund.

- 5.4.4 Those responsible for the placement of advertising boards will be held accountable for any infrastructure damage that occurs and the cost of reinstatement.

- 5.4.5 At the expiration or earlier termination of a permit removing, if so directed by the CWT, any structure or object erected or installed on the road and reinstating the condition of the road to the satisfaction of the CWT.

#### **5.5 Use of Council Banner Sites**

- 5.5.1 Council will maintain purpose built structures around the city for the purpose of safely displaying promotional banners.

- 5.5.2 Council will make these sites available for temporary use by community organisations such as public charities, schools and not-for-profit sporting clubs to advertise community events and activities. Preference is given to organisations and events that are located within the West Torrens area.

- 5.5.3 Community organisations must apply to the CWT for use of the sites. Council promotions will take precedence over community promotions.

- 5.5.4 Community banners may only be installed for a maximum period of four weeks before the start of an event.

#### **5.6 Temporary Advertising by Community Organisations**

- 5.6.1 Council will allow temporary advertising on Council land by local community organisations for events and activities that are designed to support a charitable cause, enhance community welfare or promote community pride.

5.6.2 Council encourages organisations to develop advertising that is:

- Of a size that doesn't dominate surrounding buildings and does not unreasonably obstruct views;
- Of a colour, material and design that harmonises with the surrounding environment including built and natural features;
- Uncluttered and inoffensive in terms of content and message.

5.6.3 The organisation must obtain prior approval from the CTW for the erection of temporary banners or decorations on Council land. Organisations must provide details of dimensions, content, and design and the location(s) in which it is to be exhibited.

5.6.4 The advertising must meet the following conditions:

- Be structurally sound;
- Be self supporting or be securely fixed at all times;
- Not interfere with vehicle or pedestrian safety;
- Be displayed for a maximum period up to four weeks prior to an event;
- Be removed within two to three days following an event;
- Not be displayed in a location specified at 5.1.3;
- Only contain information about the event or activity (no third party advertising);
- Not exceed six signs/banners per event (at different locations including the event venue).

5.6.5 An event may be advertised only once per calendar year and the organisation must obtain approval each year the event is to be advertised.

5.6.6 Authorised officers will remove advertising that is unauthorised or fails to meet the conditions of approval.

## 5.7 Temporary Posters or Artwork of Schools and Community Organisations

5.7.1 The CWT will allow the temporary display of community artwork on Council land by local schools and community organisations if the artwork is designed to promote community spirit, well-being or sustainability.

5.7.2 The school or organisation must apply in writing for the erection or display of artwork on Council land. Organisations must provide details of the artwork and the location(s) in which it is to be exhibited.

5.7.3 The artwork must meet the following conditions:

- Be structurally sound;
- Be self supporting or be securely fixed at all times;
- Not interfere with vehicle or pedestrian safety;
- Be displayed for a maximum period of three months;
- Be displayed only once in a calendar year.

5.7.4 When relevant, applicants will obtain prior permission from infrastructure service providers (e.g. for display of posters on this infrastructure) before seeking Council approval. Items overhanging a footpath must be at least 2.1 metres above ground in order not to impact pedestrian traffic.

5.7.5 Installation, maintenance, and removal of the items at the expiration of the display period will be the responsibility of the applicant.



5.7.6 The school or organisation will apply in writing to the CWT for approval and the CWT will reserve the right to refuse any application.

5.7.7 Any liability for loss or damage caused by the items will be the responsibility of the applicant.

## **5.8 Directional Signs on Public Roads**

5.8.1 The CWT permits directional signs that assist the community in finding commercial and community facilities that are located away from main roads or centres.

5.8.2 Organisations seeking to have directional signs must apply in writing and meet the following conditions:

### For signs related to community facilities:

- The CWT will purchase the appropriate directional sign(s) and then erect the sign(s) in the agreed location(s);
- The sign will be a “finger” sign with white lettering on a green reflective background (or lettering on a brown background for heritage or historic sites) in accordance with Australian Standards;
- A maximum number of three signs will be allowed, at locations approved by the CWT;
- The signs will be erected at no cost to the applicant.

### For signs related to commercial facilities:

- The use of directional signs will be restricted to identifying commercial, shopping, business or industry areas that do not have a main road exposure;
- The CWT will purchase the appropriate directional sign(s) and then erect the sign(s) in the agreed location(s);
- The applicant will be charged a set fee for the purchase and erection of each sign as stated in the Council's Annual Fees and Charges. The directional sign will refer to a shopping centre, commercial area, business centre, industrial park etc. and will not depict a business name
- A maximum number of three signs will be allowed per facility, at locations approved by Council;
- Any damage done to a sign by virtue of a traffic accident or act of vandalism will be rectified at the applicant's cost.
- Any deterioration of a sign due to natural or other causes will be rectified by Council at Council's cost.

## **5.9 Club and Sponsorship Advertising on Ovals**

5.9.1 Council permits the erection of signs displaying the name of sporting clubs using the facilities of a Council oval, at the entrance to that oval, provided the sign does not exceed two square metres.

5.9.2 Council permits the display of advertisements by commercial sponsors on the perimeter fence of a Council oval provided that all signs are:

- Professionally sign written, non-illuminated, non-flashing and non-animated;
- Fixed to the inside perimeter fence of the oval, facing inwards and not to project above fence level;

- Maintained in good order and condition at all times to the satisfaction of the CWT.

5.9.3 Council will not allow sponsorship signs to be erected:

- On ovals other than on the inner perimeter fence; or
- At other recreation or sporting grounds.

## **STANDARDS FOR REAL ESTATE ADVERTISING BOARDS**

Council will require all real estate advertising boards to comply with a number of standard conditions, including the following:

- All applicable industry standards, health or safety standards, current standards of Standards Australia or any applicable Codes of Practice;
- Relevant Council By-laws, policy and permit requirements;
- State and federal legislation, with the issue of a permit not absolving the permit holder or their agents from any overriding legislation;
- Maintaining in good condition, and to recognised standards, all structures erected or installed on or over the land;

### **Construction**

All real estate advertising boards must be:

- no larger than 1050mm and 2300mm in height or width
- made of solid construction from either metal, wood or plastic
- constructed in such a manner that there are no sharp edges, protuberances or other design feature that would endanger public safety
- designed to be securely attached to the property wall and into the ground at four separate points
- designed so as to be stable during adverse weather conditions
- not designed to rotate, have flashing lights or be illuminated either internally or externally by any means
- not erected with balloons, flags (except for open inspections), streamers or other like items attached.

### **Location and Erection of Boards**

All advertising boards must be:

- securely fixed into the ground at two points so as to prevent the signs from moving
- securely attached to the property fence or wall at two points so as to prevent the sign from moving
- placed flat against the property fence or wall with the advertising area facing outwards
- placed within 500mm of the property boundaries
- not placed within 10 metres of an intersection or in any other manner so as to restrict the vision of motorists
- placed in such a manner so they do not damage, destroy or interfere with any infrastructure including pipes, wires, cables, fixtures, fittings, posts and other objects which are the property of the SA Power Networks , Telstra, SA Water, United Water, Boral Ltd or other federal, state, or local government department or authority or other infrastructure owner. (It is the responsibility of a permit holder to check for the location of underground infrastructure with relevant public utilities before erecting an advertising board.)
- placed in a manner that does not restrict pedestrian access in any way and that maintains a minimum 1.8 metre wide, straight, continuous path of travel for pedestrians.

## Other

All advertising boards must otherwise meet the following requirements:

- be placed in the approved manner
- only one board is to be used for advertising a property
- only be placed on footpaths when there is no option to place them on the property itself and must be placed immediately in front of the property being advertised
- the content of the advertising is restricted to information about the sale / lease of the property and no other advertising messages is to be placed on the board
- be kept in good condition and repair
- display the owners details including their contact address and telephone number,
- must have the approval of property owners for placement and be removed immediately if this approval is withdrawn
- be removed within fourteen days of the sale completion (or finalisation of the lease) or immediately on expiration of the permit
- be removed from the footpath when the permit expires or 14 days after a sale or the signing of a lease.

The costs of any reinstatement work (as a result of the removal of the boards and other accessories) will be met by the applicant.