

WARWICK SHIRE COUNCIL

Local Law Policy No. 11

(Control of Advertising)

This Local Law Policy is to be read with Local Law No. 11 (Control of Advertising)

Made by Council resolution on 27 October 1999.

Citation

1. This local law policy may be cited as Local Law Policy No. 11 (Control of Advertising).

Objects

2. The object of this local law policy is to provide the detailed matters called upon by Local Law No. 11 (Control of Advertising) in order to ensure that advertisements and associated structures complement or, at least, do not unreasonably detract from, desirable characteristics of the natural and built environment in which the advertisements are exhibited.

Definitions

3. All terms have the same meaning as those provided for in Local Law No. 11 (Control of Advertising).

Classification of advertisements

4.
 - (1) For the purposes of section 5(1) of the Local Law, permitted advertisements are as follows
 - (a) real estate signs which –
 - (i) in the case of “For Sale” and “To Let” signs, - satisfy the following conditions:
 - (a) the sign or signs are advertising the sale or lease of the property on which they are located
 - (b) There is a maximum of three signs for single frontage property and two signs per frontage for multiple frontage properties. Double sided or back to back signs shall be treated as one sign, but “V” signs shall be treated as two signs.
 - (c) In the Residential Land Use Area “For Sale” or “To Let” signs are to have a maximum size of 600 mm by 600 mm,
 - (d) In all other Land Use Areas, “for Sale” or “To Let” signs shall be a maximum size of 600 mm by 900 mm,
 - (ii) In the case of Auction signs, - satisfy the following conditions:
 - (a) only one sign is permitted on the property which is for auction.
 - (b) and the sign is a maximum size of 1800 mm by 1200 mm,
 - (iii) are not positioned on a road, footpath or building (other than the building being advertised); and
 - (b) election signs which –
 - (i) are not greater than 1m² in area; and
 - (ii) are limited to one per allotment; and
 - (iii) are not positioned on a road, footpath or property under the control of Council; and
 - (iv) are not exhibited prior to the call for nominations for candidates for that election or after more than seven days have elapsed since the day of the election.

- (c) construction site signs which -
 - (i) contain only project details and real estate information; and
 - (ii) are only exhibited during the period of construction, and
 - (iii) are not greater than 2m² in a Residential Land Use Area or 6m² in any other Land Use Area; and
 - (iv) are not positioned on a road, footpath or building (other than the building being advertised).
 - (d) Community, traffic, advisory or directional signs erected by, or on behalf of, Council or by the Department of Main Roads,
 - (e) Advertising signs which are ancillary to the business or activity being operated on the same land at which the signs are displayed, or which are attached to a building in which the business or activity is operating, and the business or activity is currently operating, or a period of less than 30 days has elapsed since the business or activity has ceased to operate, and which:
 - (i) advertise products and/or services sold and/or supplied on site, or
 - (ii) refer or relate to the trade, business or profession being conducted on that land.
 - (f) Advertising signs which require a development approval under the Planning Scheme and for which all relevant development approvals have been obtained prior to the erection of the advertisement.
- (2) For the purposes of section 5(2) of the Local Law, permitted advertisements are those which also satisfy all the following general criteria :
- (a) the advertisement must be structurally sound,
 - (b) the advertisement must not include content which is likely to be offensive to any reasonable person
 - (c) the advertisement must not cause any significant obstruction of, or distraction to, vehicular or pedestrian traffic,
 - (d) the advertisement must not be garish
 - (e) the advertisement must not obstruct any traffic or directional signs erected by Council or the Department of Main Roads.
 - (f) the advertisement must not be internally illuminated
 - (g) the advertisement must not be floodlit so as to cause any nuisance or distraction to traffic or neighbouring premises.
 - (h) the advertisement must comply with all town planning approvals and/or building approvals and /or other development approvals and any conditions therein,
 - (i) the advertisement must comply with all relevant provisions of the planning scheme and any relevant planning scheme policies.
 - (j) The advertisement must, if it protrudes over the footpath by more than 50 mm, be a minimum of 2.4 metres above the footpath, measured from the underside of the sign.

Conditions on which advertisements are classified as permitted advertisements

5. For the purposes of section 6(1) of the Local Law, an election sign is classified as a permitted advertisement on the following conditions –
- (a) each candidate must pay a \$100 deposit to the local government prior to the display of any sign which is refundable upon removal of all signs within 7 days of the election;
 - (b) all election signs must be registered in writing with the local government prior to being displayed.

Grant of permit

- 6.
- (1) For the purposes of section 9(3)(a) of the Local Law, to grant a permit for an advertiser to exhibit an advertisement the local government must also be satisfied the content of the advertisement is not likely to be offensive to any reasonable person.
 - (2) For the purposes of section 9(3)(b) of the Local Law, advertisers are prohibited from displaying the following advertisements—
 - (a) Promotional leaflets pasted on walls, poles, trees, rocks, boxes, fixtures, bridges, culverts, pipes, fences or on any other structure, machine or device that is noticeable from any road, street, footway, reserve or other public place.
 - (b) any advertising device placed on any road, footway or thoroughfare other than
 - (i) an advertising device which is permitted under Council's Local Law and Local Law Policy on Roadside Vending and the Use of Roads and Footways, or
 - (ii) an advertising sign permitted under Section 4 (1) (d). of this Policy.
 - (c) signs affixed to guide posts, posts, poles, bridges, culverts, pipes or similar structures, trees, rocks and traffic signs or devices.

Term of permit

7. For the purposes of section 10(3) of the Local Law, a permit is granted or renewed for –
- (a) in the case of an application for a permit to advertise for a single occasion – the period stated in the permit; or
 - (b) in the case of an application for a permit to continually advertise – until the next 30 June following the grant or renewal of the permit or
 - (c) a term as decided by the local government when it grants the permit or the renewal.

Conditions of permit

8. (1) For the purposes of section 11(4) of the Local Law, conditions must be imposed in a permit requiring the advertiser –
- (a) to ensure that the advertisement is maintained in good repair and sightly appearance; and
 - (b) upon cessation of a business or activity to which an advertisement refers – to remove the advertisement and make good the site within 30 days of the last day on which the business or activity operated.
 - (c) To ensure that the advertisement complies with
 - (i) any development approval, and
 - (ii) the provisions of the planning scheme and any relevant planning scheme policies
- (2) A condition that will ordinarily be imposed on a permit is that the illumination of a sign must not cause any nuisance or distraction to traffic or neighbouring premises.