



# **Council Policy 1.1.8 – Election Signs on Private and Public Property**

## **Policy 1.5.2 – Election Signage**

<b>Responsible Directorate</b>	Development Services
<b>Responsible Business Unit/s</b>	<u>Community Safety</u>
<b>Responsible Officer</b>	<u>Coordinator Community Safety</u>
<b>Affected Business Units</b>	<u>Community Safety</u> <u>Community Services</u> <u>Governance</u>

## **Objective**

The objective of this Policy is to summarise the Shire of Serpentine Jarrahdale's (the Shire's) position in relation to the placement of election signs for Federal, State and Local Government elections on Council land, municipal buildings, "A" Class Reserves or road reserves private and public property within the district, and ensure public safety is not compromised.

## **Scope**

This Policy applies to political parties, candidates promoting a party, and/or individuals participating in a State, Federal or Local Government election.

## **Policy**

### **Introduction**

In accordance with s.61(1) (g) of Schedule 2 to the Planning and Development (Local Planning Schemes) Regulations 2015, development approval is not required for election signs, providing the conditions within the legislation are satisfied. However, all signs, whether election signs or otherwise, are required to comply with the Shire's Local Laws.

This Policy supports the implied freedom of political communication, whilst summarising the conditions applicable to the placement of election signage on private and public property (that is, property that is owned by the Shire freehold or which is under the care, control or management of the Shire).

The Shire maintains an apolitical position with regard to election signage and application of this Policy is based on the principle that election sign standards are applied consistently and equitably to all political parties and candidates, whilst ensuring public safety.

The party and/or individuals participating in a State, Federal or Local Government election are responsible for their own election signage and the placement of it in accordance with this Policy.

### **Shire of Serpentine Jarrahdale's election signage conditions**

Where election signage is on private property, consent from the property owner should be obtained prior to placement.



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Prior consent from the Shire to place election signage on public property is not required, providing the criteria within this Policy is adhered to. As election signage and its placement is the responsibility of the party and/or individuals participating in a State, Federal or Local Government election, the Shire will not intervene unless the election signage poses a safety risk, is placed directly on or within Shire facilities or buildings and therefore may be interpreted as having endorsement of the Shire, or otherwise impacts the apolitical conduct of the Shire's functions.

### **Criteria applicable for election signage on public property**

The below additional criteria apply to election signs placed on public property, meaning property that is owned by the Shire freehold or which is under the care, control and/or management of the Shire.

- signs are not to be placed on or within Shire facilities and/or municipal buildings
- signs are not to be placed on verges of Shire facilities and/or municipal buildings. The only exclusion to this is where the facility / municipal building is being used as a polling place, provided the signage is placed in accordance with statutory requirements, and is not placed on or within Shire facilities and/or municipal buildings
- signs are not be affixed to any tree or regulatory sign (e.g., street sign, traffic direction sign or parking sign)
- signs are temporary in nature and not permanently attached to a structure or fixed to the ground or pavement
- signage on thoroughfares and road reserves complies with the Safe System Approach to Road Safety. That is, signs should:
  - be frangible
  - not be located within a clear zone
  - not obstruct or restrict the sight distance of other signs and traffic control devices
  - have a 2.5m vertical clearance to an obstruction
- placement does not cover or obstruct Shire signs or markings.

Signs can be placed on verges if compliant with all other conditions of this Policy.

### **Election signage on main roads**

Various main arterial roads within the Shire, including Tonkin Highway, South Western Highway, Thomas Road and Nicholson Road) are under the care and control of Main Roads WA under the *Main Roads Act 1930* and *Main Roads (Control of Advertising) Regulations 1996 (WA)*. Main Roads should be contacted before placing a sign on a main road.

Main Roads WA may remove unauthorised signs at their discretion and any queries regarding election signage on main roads should be made directly with them.

### **Authority to remove non-compliant signs on public property**

In accordance with the Shire's guiding principal of apolitical conduct and respecting the implied freedom of political expression, the Shire will explore avenues for candidates to rectify non-compliance with this policy prior to removal of non-compliant signage.

When these options have been exhausted, or in situations where signage is a hazard requiring immediate rectification, the Shire may take action in accordance with its statutory powers as a regulator and property owner.



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### **Election signage content**

The Shire does not have the power to regulate the content of electoral signs. Queries in relation to State or Local Government elections should be directed to the Western Australian Electoral Commission. Queries in relation to Federal elections should be directed to the Australian Electoral Commission.

### **Local Government Election Signage Complaints**

The Shire contracts the Western Australian Electoral Commission (WAEC) to conduct the local government elections. All complaints regarding election signs should be directed to the Shire's Returning Officer, appointed by the WAEC.

Contact details for the Western Australian Electoral Commission's appointed Returning Officer are available on the Shire's website during the election period.

### **Details**

A Local Government does not have the power to regulate the content of electoral signs. Queries in relation to State or Local Government elections should be directed to the Western Australian Electoral Commission. Queries in relation to Federal elections should be directed to Australian Electoral Commission.  
Terms and Conditions of Any Approval

### **Terms and Conditions of Any Approval**

Prior to any signs being posted, affixed or erected for the purposes of candidate promotion in Federal, State or Local Government elections on property under the care, control, management or held in fee simple by the Shire, the Shire's consent must be obtained.

The Shire's consent may be given, and if so, the following terms and conditions apply:

### **Location**

- a) Individual candidate signs are permitted on a road verge at a distance of 500m radius from one to the next (if applicable) with a maximum of three (3) signs permitted in continuous sequence.
- b) No sign is permitted on an "A" Class Reserve or adjacent to active public open space or municipal building.
- c) A permit may be issued to place a single sign on the perimeter of an underutilised public open space reserve.

### **Signs must:**

- a) not be more than one (1) square metre in area and no higher than 1.2 metres above natural ground level or have a maximum vertical or horizontal dimension of 1.2 metres and have a maximum area of 1.5 metre. A back-to-back sign facing in two directions is considered to be one sign for this purpose.
- b) only be displayed in the case of:
  - i) Federal and State elections during the period commencing on the issue of the writ or writs for the election and ending at the close of the polls on polling day. Should the sign/s not be removed within seventy two (72) hours of the close of polls, they will be considered illegal signs.



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- ii) ~~Local Government elections during the period commencing on nomination day prior to polling day and ending at the close of polls on polling day. Should the sign/s not be removed within seventy-two (72) hours of the close of polls, they will be considered illegal signs.~~
- c) ~~be securely fixed or posted and maintained in good repair and condition at all times.~~
- d) ~~be designed, made, and presented in a quality manner (the intent is that signs must not tear apart and become a danger to road users or pedestrians).~~
- e) ~~contain clear and legible writing or symbols.~~
- f) ~~contain the name and address of both the person authorising the promotional material and the printing of it, along with a phone contact number or email address of the authorising person or party.~~
- g) ~~be fastened securely so they cannot become detached and endanger the Shire's property, equipment or pose a safety risk to the public.~~

### Signs must not:

- a) ~~be illuminated (internally or indirectly), move, flash, rotate or reflect so as to be an undue distraction to drivers.~~
- b) ~~be constructed of materials that would have an adverse effect on the safety or convenience of any person, movement of traffic or land.~~
- c) ~~be self-adhesive or affixed to another structure.~~
- d) ~~be placed on a carriageway, dividing strip, traffic island, roundabout, within fifty (50) metres of a signalised intersection or pedestrian activated crossing.~~
- e) ~~be placed within six (6) metres of an intersection or junction, or in any other location that may pose a safety hazard or obstruction to pedestrians or road users.~~
- f) ~~be attached to any street name, traffic direction or parking sign or to the associated pole.~~
- g) ~~be placed so as to cover any Shire signs or markings.~~
- h) ~~be placed in a location on a pole or fence so as to aid the climbing of a pole or fence.~~
- i) ~~be placed so as to restrict the sight distance of other signs and traffic control devices.~~
- j) ~~resemble or be mistaken by road users as a traffic control device.~~
- k) ~~advertise any organisation other than a registered political party or candidate.~~

~~The person or party responsible for the sign must maintain the sign and ensure that public safety is not compromised while the sign/s are being installed or removed and there is no disruption traffic or pedestrian movement during the process.~~

~~The person to whom consent is granted and any persons acting on their behalf, accept full responsibility for any personal injury, damage or loss in any way arising out of or a consequence upon the display of the election sign (material) that the Shire has no liability or responsibility to such matters whatsoever.~~

~~It is a condition to granting of consent that if any breach occurs which results in action by or on behalf of the Shire to enforce the conditions of this policy and thereby results in costs and expenses for the Shire, then such costs and expenses will be recovered by the Shire from the person(s) responsible.~~

~~These costs include removal and/or destruction of the offending sign (material) by an officer or agent of the Shire.~~



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A breach of, or non-compliance with, any of the terms and conditions of the policy will invalidate the consent and may result in a report being prepared for Council with a view to prosecuting the offender.

### **Shire of Serpentine Jarrahdale Local Laws relating to Signs and Advertisements**

*The following extract is from the Government Gazette, WA (26 March 1999):*

#### **3.2 Exemptions**

The following are exempt from the requirements of section 3—

- (a) a sign erected or maintained pursuant to and under authority of a written law;
- (b) a sale sign not exceeding 1.0 square metres in area;
- (c) a plate not exceeding 0.2 square metres in area erected or affixed on the street alignment or between that alignment and the building line to indicate the name and occupation or profession of the occupier of the premises;
- (d) a direction sign;
- (e) a sign used solely for the direction and control of people, animals or vehicles or to indicate the name or street number of a premises, if the area of the sign does not exceed 0.2 square metres;
- (f) an advertisement affixed to or painted on a shop window by the occupier thereof and relating to the business carried on therein;
- (g) a sign within a building unless—
  - (i) it is clearly visible from a public place outside the building; or
  - (ii) it is exempted under any other paragraph of this subsection;
- (h) a sign not larger than 1.0 square metre on an advertising pillar or panel approved by or with the consent of the council for the purpose of displaying public notices for information;
- (i) a building name sign on residential flats or home units where it is of a single line of letters not exceeding 300 millimetres in height fixed to the façade of a building;
- (j) a newspaper poster;
- (k) an institutional sign which is the only sign on the lot on which it is erected notwithstanding the provisions of section 3.15;
- (l) a rural producers sign which is the only sign on the lot on which it is erected;
- (m) a sign erected by the Council, or with the approval of Council, on land under the care, control and management of the Council, where the sign is not otherwise subject to provisions of this local law.

#### **3.3 Exempt Signs**

No person shall erect, attach, affix, maintain or display a sign of whatsoever nature which is not an exempt sign unless prior written planning approval has been obtained from the Shire.

#### **3.4 Restrictions on Exempt Signs**

An exempt sign shall not—

- (i) be illuminated;
- (ii) incorporate animation or movement in its design or structure;



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- ~~(iii) contain reflective, retro-reflective or fluorescent materials in any part of its design or structure;~~
- ~~(iv) contain flags or bunting, whether they contain a written message or not;~~
- ~~(v) be, in the opinion of Council, detrimental to the heritage character of the district and incompatible with the amenity and streetscape of the area.~~

### **3.10 – General**

#### **3.10.1 – Restrictions**

~~A person shall not erect or maintain a sign or hoarding or suffer or permit a sign or hoarding to be or remain on any land or building—~~

- ~~a) so as to obstruct a person's view from a street or public place of traffic in a 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 the regulations made thereunder;~~
- ~~c) except with the specific approval in writing of the Council on an ornamental tower, spire, dome or similar architectural feature or on a lift machinery room, bulkhead over stairs, or other superstructure over the main roof of a building;~~
- ~~d) subject to section 3.3 and paragraph (a) of subsection 3.2 on land that is zoned by a Town Planning Scheme or Local Laws for the time being in force for residential purposes other than land so zoned that is lawfully used for a purpose other than residential purposes unless permitted under section 3.9;~~
- ~~e) on a building the stability of which is, in the opinion of the Building Surveyor, likely to be affected by the sign or hoarding;~~
- ~~f) as a movable or portable sign in a street or public place, unaffixed to a building;~~
- ~~g) on a light or power pole without the approval of the relevant authority responsible for the erection or maintenance of that pole;~~
- ~~h) in a position where it obstructs or obscures a person's view from a dwelling of a river, the Darling Scarp or any other natural feature of beauty or interest; or~~
- ~~i) if the sign is an advertising device and is erected or proposed to be erected in a position where, in the opinion of the Council, it would be injurious to the amenity or natural beauty of the area in which the sign is erected or proposed to be erected, or would be unsuitable to the locality.~~

~~3.10.2 No bill, placard or advertisement shall be attached to, or posted, painted or stencilled by any person on any sign, hoarding, wall, building or structure, whether erected upon land which is private property or a public place unless—~~

- ~~a) such bill, placard or advertisement is in the opinion of the Council reasonably related to the principal lawful use carried out on such land; and~~
- ~~b) any trade, business or product name or trademark on or in any such bill, placard or advertisement is in the opinion of the council necessary for the purposes of communicating the principal lawful use carried out on such land.~~





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~~3.10.3 No person shall permit or suffer the doing of anything contrary to the provisions of paragraphs (a) and (b) of subsection 3.10.5.~~

~~3.10.4 Paragraphs (a) and (b) of subsection 3.10.5 do not apply to any bill, placard or advertisement which states the name and/or trade, business or profession of the occupier of such land where such trade, business or profession is the principal lawful use carried out on the land and does not contain any other information, including any other trade, business or product name or trademark.~~

### ~~3.10.5 *Inscriptions on Signs*~~

~~Except in the case of a hoarding or direction sign, a sign generally shall only display one or more of the following—~~

- ~~a) the name of one or more of the occupiers of the premises to which it is affixed;~~
- ~~b) details of the business or businesses carried on in the premises;~~
- ~~c) details of the goods sold in the premises; and~~
- ~~d) any other matter approved by the Council.~~

### ~~3.10.6 *Existing Signs and Hoardings*~~

~~Subject to sections 3.4 and 3.5, a licence issued under any previous Local Laws in force in the District is deemed to have been issued pursuant to these Local Laws~~

### ~~3.10.7 *Fixing of Signs*~~

~~A sign shall be securely fixed to the structure by which it is supported, to the satisfaction of the Building Surveyor, and shall be maintained in a safe condition.~~

### ~~3.10.8 *Headroom*~~

~~Every sign shall, unless otherwise permitted by the Building Surveyor, be so fixed as to provide a clear headway thereunder of not less than 2.75 metres.~~

### ~~3.10.9 *Obstruction to Doors, etc*~~

~~A sign or hoarding shall not be erected or maintained so as to obstruct access to or from a door, fire escape or window, other than a window designed for the display of goods.~~

### ~~3.10.10 *Glass in Signs*~~

~~Glass shall not be used in any sign or hoarding other than an electric light globe or tube.~~

### ~~3.10.11 *Readily Combustible Material*~~

~~Except in the case of posters securely affixed to a sign board or hoarding, paper, cardboard, cloth or other readily combustible material shall not form part of or be attached to any sign.~~

### ~~3.10.12 *Signs to be Kept Clean*~~

~~Every sign shall be kept clean and free from unsightly matter and shall be maintained by the licensee or owner in good order free of dilapidation.~~

### ~~3.10.13 *Bill Posting*~~

~~Subject to section 3.2 a person shall not post a bill or paint, stencil, place or affix an advertisement in a street or on a building, structure, fence, wall, hoarding, sign post, blind~~



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~~or awning so as to be visible to a person in a street, reserve, public place or other land, except on a hoarding approved for the purpose of the Council.~~

### **3.10.14 Fly Posting**

~~A person shall not fly post at any place or location within the District.~~

~~3.10.15 A person shall not erect or display or allow the erection or display of bunting, streamers, streamer strips, banner strips, flag strips or decorations of a similar nature, except for other than specific short term events.~~

## **Town Planning Scheme 2 – Control of Advertising**

~~The following extract is from the Town Planning Scheme 2~~

### **7.15 Control of Advertising**

#### **7.15.1 Definitions**

~~For the purpose of this clause –~~

~~“exempted advertisement” is an advertisement exempted from the requirement to obtain planning approval in Appendix 18; and~~

~~“existing advertisement” means an advertisement that is –~~

~~(a) lawfully displayed before the commencement of this Scheme; or~~

~~(b) displayed under a licence for other approval granted by the Council before commencement of this Scheme.~~

#### **7.15.3 Existing and Exempted Advertisements**

~~Subject to the provisions of the Main Roads (Control of Signs) Regulations 1983, and notwithstanding the provisions of clause 7.15.5, the Council's prior Planning Approval is not required in respect of those advertisements listed in Appendix 18.~~

~~Exempted advertisements or an existing advertisement, which may continue to be displayed in accordance with the licence or approval, if any, granted by the Council.~~

## **Definitions**

**Clear zone** means a carriageway, dividing strip, traffic island, roundabout, within 10 metres of an intersection or within 50 metres of a signalised intersection or pedestrian activated crossing.

**Elections** means periodic and General Elections, By-elections and Referenda.

**Election sign** means any advertisement for a candidate or party in the election, or for a referendum whether held for Federal, State or Local Government purposes.

**Land or “A” Class Reserve** means all land under the care, control or management of the Shire but excludes a road where part of the road is a nature strip or footpath.

**Municipal Building** means any building that is owned or held under a management order or control of the Shire, and includes any recreation centre, library and alike.

**Private Property** means any land that has a separate certificate of title and is in private ownership or is the subject of a lease or agreement with a person enabling its use for private purposes and includes any building or structure on that land.





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~~Road means the definition provided in the Land Administration Act 1997 and the Main Roads Act 1930, any thoroughfare, way, road, highway, public place, path, and all bridges, viaducts, tunnels, culverts, grids, approaches and other things belonging or used in connection with the road.~~

**Returning Officer** means a person appointed by the Electoral Commission who is responsible for the management of polling places, polling place staff, candidate nominations and supervising the election on polling day.

**Safe System Approach to Road Safety** is a collaborative multi-agency framework to manage interactions between the road user, travel speed and the vehicle.

**Signs** means a poster/sign that comprises an advertisement for a candidate or party in the election, or for a referendum whether held for Federal, State or Local Government purposes. **Public Open Space** means the definition under the provisions of the Land Administration Act 1997 held in the care, control and management of the Shire of Serpentine Jarrahdale or held in fee simple by the Shire of Serpentine Jarrahdale.

### **Relevant Policies/Council Documents**

- ~~Nil Local Planning Policy~~
- ~~Town Planning Scheme 2~~

~~Local Planning Policy – Election Signs and Signage~~

### **Legislation/Local Law Requirements**

- Local Government Act 1995
- ~~Shire of Serpentine Jarrahdale – Signs and Advertisements Local Law~~
- ~~Shire of Serpentine Jarrahdale – Town Planning Scheme 2~~
- ~~Local Government Act 1995~~
- Local Government (Elections) Regulations 1997
- Electoral Act 1907 (WA)
- Electoral Act 1918 (Commonwealth)
- ~~Land Administration Act 1997~~
- Main Roads Act 1930
- ~~Main Roads (Control of Signs) Regulations 1983~~
- ~~Planning and Development (Local Planning Schemes) Regulations 2015~~
- ~~Shire of Serpentine Jarrahdale Town Planning Scheme No. 2~~
- ~~Shire of Serpentine Jarrahdale Signs and Advertisements Local Law – IN03/13201~~
- ~~Public Places and Local Government Property Local Law~~

### **Miscellaneous References**

- ~~WALGA Election Signage Guidelines~~
- ~~WALGA Info Page – Election Signage – IN02/7762~~



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• Returning Officers Manual

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	29/09/2015	Resolution #	OCM187/09/15
Reviewed/Modified	Date	18/12/2017	Resolution #	OCM179/12/17
Reviewed/Modified	Date		Resolution #	
<u>Next review due</u>	<u>Date</u>			