



Moveable Signs Policy

Policy Number	D4
Responsible Officer(s)	Manager Development & Regulatory Services
Policy Adopted	January 2023
Minutes reference	2023/01-10
Next review date	January 2027
Applicable Legislation	<i>Local Government Act 1999; Highways Act 1926; Road Traffic Act 1961.</i>
Related Documents	Moveable Signs By-law 2022.

1. POLICY PRINCIPLE

Wakefield Regional 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 roads.

2. POLICY OBJECTIVE

- 2.1 Assist business operators in promoting their businesses and/or events by way of moveable signs;
- 2.2 Outline the statutory requirements that apply to the display of moveable signs on roads;
- 2.3 Specify the circumstances in which the Council has resolved to apply the exemption under Clause 11.3 of Wakefield Regional Council Moveable Signs By-law ("the By-law") in relation to the display of a moveable sign;
- 2.4 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(s) of the By-law.

3. 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 4;

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 Wakefield Regional Council;

'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 means a moveable advertisement or sign;

Road means 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;

township area means the area within the 50km speed limit zones surrounding a township;

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.

4. POLICY DETAIL

4.1 Permission to display certain moveable signs

4.1.1 The Council has resolved, by way of adopting this Policy, to give permission under clause 11.3 of the By-law for a person to display a moveable sign on a road contrary to the requirements in clause 8.13 of the By-law subject to the following conditions:

- Community event – moveable signs are not required to be lit during the hours of darkness if they do not compromise the safety of a pedestrian(s), road user(s) or any other person.

4.2 Application for a permit to display a moveable sign

4.2.1 No fees will be charged for applications received requesting permission to display a moveable sign contrary to the By-Law;

4.2.2 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 of the By-law:

4.2.2.1 The request supports economic growth of the district;

4.2.2.2 The sign and/or its placement does not compromise the safety of a pedestrian, road user or any other person;

4.2.2.3 The 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;

4.2.2.4 The request must meet the legislative requirements set out in the Department for Transport, Energy and Infrastructure's Operational Instruction 20.1 'Care, Control & Management of Roads (Highways) by the Commissioner of Highways. (Section 26(6) of the *Highways Act 1926*);

4.2.2.5 Whether the display of the moveable sign contrary to the requirements of the By-law (as identified in the application) should not be considered excessive.

4.2.2.6 The number of moveable signs displayed in the area; and

4.2.2.7 The number of moveable signs displayed within the Council's area by the applicant, should not be considered excessive.

4.2.3 Where a permit is granted, the permit-holder is to be notified of the operation of section 226(4) of the Act:

4.3 Enforcement

4.3.1 If a moveable sign is placed on a road:

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

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.

4.3.2 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.

4.4 Statutory Framework

4.4.1 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:

- 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**
- Does **not** unreasonably:
 - Restrict the use of the road; or
 - Endanger the safety of members of the public.

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

4.4.3 Clause 11.3 of the By-law envisages that the Council may give permission for a moveable sign to be displayed contrary to a requirement(s) of the By-law.

- 4.4.4 If a person wishes to display a moveable sign contrary to a requirement(s) 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.

5. REFERENCES

Moveable Signs By-law 2022 – *By-law No.4 of 2022*.

6. REVIEW

This Policy shall be reviewed every 48 months, or more frequently if required by legislation or Council.

Document history:

Version	Adopted	Description of Change
1.0	Nov 2016 – min 2016/107	New Policy
2.0	January 2023	No policy changes, merged document to new policy template.