

## **GENERAL APPROVAL TO DISPLAY LOCAL GOVERNMENT ELECTION SIGNS- MOUNT BARKER DISTRICT COUNCIL**

This **General Approval** is given by the Mount Barker District Council under the provisions of its by-laws for local government election signs (not being electoral advertising posters<sup>1</sup>) to be posted, affixed to, or erected on infrastructure that is installed on a road owned by the Council, subject to compliance with the following conditions:

### **Local government election signs (not being an electoral advertising poster) must:**

1. be no more than 1 square metre in area. A back-to-back sign facing two directions is considered to be one sign for this purpose.
2. only be displayed during the period commencing 4 weeks immediately before the date that has been set for polling day and ending at the close of voting on polling day. Should the local government election sign not be removed within two days (48 hours) of the close of voting they will be considered illegal signs and penalties may apply.
3. comply with all legislative requirements relating to the publication of 'electoral material' as defined in relevant legislation<sup>2</sup>.
4. be securely fixed or posted and maintained in good repair and condition at all times.
5. 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 and end up as litter).
6. contain clear and legible writing or symbols. An authorised officer will determine whether a sign is clear and legible for these purposes.
7. contain on the face of the sign the name and address of the person authorising the promotional material (the publisher) and the name and prescribed information of the printer of it<sup>3</sup>.
8. be fastened securely so that they cannot become detached in high winds and endanger Council, property or equipment or pose a danger to the public.

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<sup>1</sup> Section 226(5), *Local Government Act 1999*. Electoral advertising posters are prohibited from display on a public road (including any structure, fixture or vegetation on a public road), except in circumstances prescribed by the regulations.

<sup>2</sup> Part 7, *Local Government (Elections) Act 1999*.

<sup>3</sup> Section 27(1), *Local Government (Elections) Act 1999*.

9. be installed, maintained, and removed in a safe manner without endangering personal and community safety.

No more than the **maximum number of local government election signs (not being an electoral advertising poster)** as specified below, may be displayed by a candidate on road infrastructure or on any other structure(s) on a road at any one time in the Council's area:

- for a Mayoral candidate – no more than fifty (50) local government election signs; and
- for a Councillor candidate – no more than twenty (20) local government election signs.

**Local government election signs (not being an electoral advertising poster) must not:**

1. be illuminated (internally or indirectly), move, flash, rotate, or reflect so as to be an undue distraction to drivers.
2. be self-adhesive. All individual promotional material affixed under the terms of this General Approval may only be affixed by non-invasive means that do not cause damage of any type to the structure to which the material is affixed. If a paste is to be used, it must be of a water based/wallpaper type (or similar).
3. be affixed under any circumstances to trees, shrubs, or other plants or at any location that may cause physical damage to Council property.
4. be placed on a carriageway, dividing strip (median), traffic island, roundabout, or within 50 metres of a signalised intersection, level crossing, roundabout or pedestrian activated crossing, or on the South-Eastern Freeway, the Southern Expressway, the Port River Expressway, the North-South Motorway (Superway) or the Northern Expressway.
5. be placed within 6 metres of an intersection or junction, or in any other location that may pose a hazard to pedestrians or road users.
6. be attached to any traffic control device, street name, traffic direction or parking sign or to the associated pole.
7. be placed so as to cover any Council, numbering, signs, or other markings.
8. be placed in a location on a pole or fence so as to aid the climbing of the pole or fence.
9. be placed so as to restrict the sight distance for road users and pedestrians crossing the road.
10. compete with or reduce the effectiveness of other signs and traffic control devices.
11. resemble a traffic control device, or reasonably be capable of being mistaken as a traffic control device (e.g., must not be affixed on the diagonal).
12. advertise any organisation other than a candidate in the local government election on foot at the time.

13. Where signs are fixed or posted on poles adjacent to footpaths or roadways such signs:
  - o must not be lower than 2 metres; and
  - o must be a maximum height of 3 metres from the ground, with nothing above the sign to affix it or anything else to the pole. Signs must have a minimum clearance of 3 metres from any overhead mains.
14. There is a total prohibition on any part of the sign being higher than 3 metres from the ground.

This General Approval **does not** extend to infrastructure that is owned by SAPN or DIT on a road. The ***SA Power Networks and Department for Infrastructure and Transport General Approval for placement or affixation of local government election signs*** sets out the requirements for placement of local government election signs on this infrastructure.

This General Approval also does not extend to any railway or tramline structures such as level or pedestrian crossings, bridges, stations, signalling equipment or fences adjacent to railway and tram lines. In this regard, information on the various rules and if appropriate, permission to enter or erect signs in these areas must be obtained from the relevant rail authority. In metropolitan Adelaide, this is (*in most instances*) either Adelaide Metro or the Australian Rail Track Corporation.

The person(s) responsible for the sign and/or any persons acting on their behalf, including by way of causing the sign to be displayed is entitled to act in accordance with the permissions granted in this General Approval subject to their acceptance of the following. They:

- accept that the display of the local government election sign must be in accordance with this General Approval and by displaying the local government election sign, agree to comply with the terms of this General Approval; and
- accept full responsibility for any personal injury, property damage or other loss in any way arising out of or consequent upon the erection, removal, or display of the local government election sign(s); and
- acknowledge that the Council, SA Power Networks or DIT have no liability or responsibility in relation to such matters whatsoever; and
- agree to indemnify the Council, against any such personal injury or property damage or other loss incurred by the Council, and against any third-party claims arising out of or consequent upon the erection, removal, or display of local government election signs.

## **Installation, maintenance, removal and disposal of local government election signs**

1. Installing, maintaining, and removing local government election signs (not being an electoral advertising poster) **must not** be carried out between 7.00am and 10.00am or between 3.00pm and 7.00pm Monday to Friday on a peak flow traffic lane.
2. Whilst there are prescriptive rules relating to the permitted materials for electoral advertising posters, there is no prohibition on fixings made of plastic (such as a cable tie). Other material that satisfies the requirements of this General Approval may also be used (i.e., fixings made of metal or other conductive material **are not permitted**, fixings must be non-invasive and not cause damage to the structure to which the material is affixed).
3. The person responsible for the sign and its owner must maintain the sign. The person is also responsible for ensuring that safety is maintained (and the Australian Road Rules complied with) whilst the sign is being installed, maintained, or removed and no traffic disruption is to occur during the installation, maintenance, or removal process.
4. The person responsible for the local government election sign must remove all parts of the sign **and fixtures** from the poster within 48 hours from the close of voting in the relevant election.
5. An authorised person of the Council may remove and dispose of any local government election sign that does not comply with this General Approval, unreasonably restricts the use of the road or endangers the safety of members of the public, or otherwise does not comply with legislative requirements in accordance with section 227 of the *Local Government Act 1999*.
6. A breach of, or non-compliance with, any of the conditions of the General Approval will invalidate the General Approval and may result in the removal of the local government election sign.

### **Private land**

This General Approval does not authorise the placement of local government election signs, which may include electoral advertising posters, on private land or infrastructure without the permission of the private landowner and in certain cases, subject to requirements under the *Planning, Development and Infrastructure Act 2016*.

Election signage does not require a development authorisation on private land if the following can be achieved;

An advertising display that announces a local event of a religious, educational, cultural, social or recreational character, or that relates to an event of a political character, subject to the following conditions:

- Not located on a state heritage place;
- The total advertisement area of all advertisements of that kind displayed on 1 building or site is not more than 2 m<sup>2</sup>;
- The advertising display—
  - (A) does not move; and
  - (B) does not flash; and
  - (C) does not reflect light so as to be an undue distraction to motorists; and
  - (D) is not internally illuminated.

## **Map**

Here is a link to a map showing Department of Infrastructure and Transport (DIT) roads in red while other roads uncoloured are Council roads:

<https://maps.mountbarker.sa.gov.au/connect/analyst/mobile/#/main?mapcfg=Al%20Public%20Map%20Data>

## **Illegal signs**

### ***Local Government Act 1999 - penalties***

Section 226(2a) of the *Local Government Act 1999* provides that it is an offence to exhibit an **electoral advertising poster** on a public road.

The maximum penalty is \$5,000.

**electoral advertising poster** means a poster displaying electoral advertising made of—

- (a) corflute; or
- (b) plastic; or
- (c) any other material, or kind of material, prescribed by the regulations.

## **Definitions**

**Moveable sign** is defined in section 4 of the *Local Government Act 1999* and means a moveable advertisement or sign;

**Local government election sign** is not defined in the *Local Government Act*. For the purposes of this document, local government election sign is defined to mean a moveable election advertisement, notice, or election sign (not made of corflute or plastic, i.e. not an electoral advertising poster) which is intended to affect the result of an election or poll, and which can be moved or removed without causing any damage to the infrastructure or land upon which it is placed or to which it is

attached, whether free-standing or not. All local government election signs are a type of moveable sign.

**Electoral advertising poster**, is defined in section 226(5) of the Local Government Act 1999, and means a poster displaying electoral advertising made of—

- (a) corflute; or
- (b) plastic; or
- (c) any other material, or kind of material, prescribed by the regulations.

**Note:** A poster that promotes a candidate in a local government election may be an ‘electoral advertising poster’ if the poster is made from corflute or plastic. If the same poster is made from a material not prohibited under section 226(5), it will not be an ‘electoral advertising poster’ but will be a local government election sign.

**General Approval**, is the approval granted Council which enables the display of local government election signs on public road infrastructure owned by the Council and provides the consent required for the purposes of section 23(1) of the *Local Nuisance and Litter Control Act 2016*.