

LG401

## LOCAL GOVERNMENT ACT 1995

### TOWN OF VICTORIA PARK

#### AMENDMENT (SIGNS ON THOROUGHFARES) LOCAL LAW 2021

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Town of Victoria Park resolved on the 20 July 2021 to make the following local law.

#### 1 Citation

This local law may be cited as the *Town of Victoria Park Amendment (Signs on Thoroughfares) Local Law 2021*.

#### 2 Commencement

This local law commences 14 days after its publication in the *Government Gazette*.

#### 3 Purpose and effect

(1) The purpose of this local law is to amend the *Town of Victoria Park Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000* to more easily provide for the regulation of advertising display signage on thoroughfares.

(2) The effect of this local law is to amend Part 3, Clause 9.4 and Schedule 1 of the *Town of Victoria Park Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000*.

#### 4 Local law amended

This local law amends the *Town of Victoria Park Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law* as published in the *Government Gazette* on 31 May 2000.

#### 5 Part 3 replaced

Part 3 is deleted and replaced with—

### PART 3—SIGNS ON THOROUGHFARES

#### *Division 1—Preliminary*

#### 3.1 Interpretation

In this Part, unless the context otherwise requires—

“**accused person**” means a person who is accused of an offence under this local law;

“**advertisement**” means the publication or display of information for the purpose of advertising any premises, services, business, function, event, product or thing;

“**advertising sign**” means a sign which may or may not be permanently attached to a structure or fixed to the ground, and includes a ground based sign, a sandwich board sign and an “A” frame sign, that is used or intended to be used for the purpose of advertising any premises, services, business, function, event, product or thing;

“**“A” frame sign**” means a folding sign which is hinged at the top to provide a stable structure when open;

“**direction sign**” means a sign which indicates the direction of another place, activity or event, but does not include—

(a) an advertising sign; or

(b) any sign erected or affixed by the local government or the Commissioner of Main Roads;

“**election sign**” means a sign which advertises any aspect of a forthcoming Federal, State or Local Government election;

“**permit holder**” means the person to whom a permit has been issued under Part 3 of this local law;

“**portable advertising sign**” means a portable, free standing, advertising sign;

“**portable direction sign**” means a portable, free standing, direction sign;

“**sign**” means an advertising sign, a direction sign or an election sign, depending on context, and includes a notice, poster, flag, mark, word, letter, model, placard, board, structure, device or representation;

“**permit**” means a permit issued by the local government to display a sign; and “**polling day**” means the polling day fixed for an election.

#### *Division 2—Signs Requiring a Permit*

#### 3.2 Permit required for signs

A person shall not, without a permit—

(a) erect, place or display an advertising sign, direction sign or election sign; or

(b) post any bill or paint, place or affix any advertisement;

on a thoroughfare or any structure situated on a thoroughfare.

#### 3.3 Matters to be considered in determining application for Permit

In determining an application for a permit for the purposes of this Division the local government is to have regard to—

- (a) any other written law regulating the erection or placement of signs or advertisements within the district;
- (b) the dimensions of the signs or advertisements;
- (c) other signs already approved or erected in the vicinity of the proposed location of the signs or advertisements;
- (d) whether or not the signs or advertisements will create a hazard to persons using a thoroughfare;
- (e) the amount of the public liability insurance cover, if any, to be obtained by the applicant;
- (f) whether the sign would—
  - (i) obstruct the visibility or clear sight lines of any person at an intersection of thoroughfares; or
  - (ii) impede pedestrian access;
- (g) whether the sign may obstruct or impede the use of the footpath for the purpose for which it was designed; and
- (h) any other matter that the local government considers to be relevant.

### **3.4 Conditions on Permit for election sign**

(1) If the local government approves an application for a permit for the erection or placement of an election sign on a thoroughfare under this Division, the application is to be taken to be approved subject to the sign—

- (a) being erected at least 30m from any intersection;
- (b) being free standing and not being affixed to any existing sign, post, power or light pole, or similar structure;
- (c) being placed to the satisfaction of the local government so as not to obstruct or impede the reasonable use of a thoroughfare or access to a place by any person;
- (d) being placed to the satisfaction of the local government so as not to obstruct or impede the vision of a driver of a vehicle entering or leaving a thoroughfare or crossing;
- (e) being maintained in good condition to the satisfaction of the local government;
- (f) not being erected until the election to which it relates has been officially declared;
- (g) being removed within 24 hours of the close of polls on polling day;
- (h) not being placed within 100m of any works on the thoroughfare;
- (i) being securely installed, to the satisfaction of the local government;
- (j) not being an illuminated sign;
- (k) not incorporating reflective or fluorescent materials, in the opinion of the local government; and
- (l) not displaying only part of a message which is to be read with other separate signs in order to obtain the whole message, in the opinion of the local government.

(2) The permit holder of a permit for the erection or placement of an election sign shall comply with each of the conditions in subclause (1) in addition to any other conditions imposed on the permit by the local government.

### *Division 3—Signs Not Requiring a Permit*

#### **3.5 Certain Signs do not require a Permit**

(1) Clause 3.2 does not apply to a sign that is erected, placed or displayed in accordance with this clause.

(2) An owner or occupier of land or a building or part of a building, is not required to obtain a permit under Part 3 of this local law for the purpose of erecting, placing or displaying a portable direction sign on a thoroughfare provided that the portable direction sign-

- (a) does not exceed 500mm in height nor 0.5m<sup>2</sup> in area; and
- (b) is placed or erected on a thoroughfare directly in front of the owner or occupier's land or building on an infrequent or occasional basis only to direct attention to another place, activity or event during the hours of that activity or event.

(3) An owner or occupier of land or a building or part of a building, not being used for residential purposes, is not required to obtain a permit under Part 3 of this local law for the purpose of erecting, placing or displaying a portable advertising sign on a thoroughfare provided that the portable advertising sign-

- (a) does not exceed 1,000mm in any dimension;
- (b) relates only to the business activity of the relevant owner or occupier;
- (c) is not placed in any position other than;
  - (i) immediately in front of the land, building or part of the building of the owner or occupier; and
  - (ii) is located not closer than 500mm to the kerb;

ensuring always that a minimum 2m clear and free passage is maintained for persons using the footpath;

- (d) is removed each day at the close of the owner or occupier's business conducted from the land, building or part of the building and not be erected, placed or displayed again until the business next opens for trading;
  - (e) is secured in position in accordance with any requirements of an authorised person;
  - (f) is not an illuminated sign;
  - (g) does not incorporate reflective or fluorescent materials;
  - (h) is not being placed within 100m of any works on the thoroughfare;
  - (i) is placed so as not to obstruct or impede the reasonable use of a thoroughfare or access to a place by any person;
  - (j) is placed so as not to obstruct or impede the vision of a driver of a vehicle entering or leaving a thoroughfare or crossing; and
  - (k) is maintained in good condition.
- (4) An owner or occupier of land, a building or part of a building may only erect, place or display one portable direction sign and one portable advertising sign directly in front of their land or building pursuant to this clause 3.5 without first obtaining a permit.
- (5) A person is not required to obtain a permit under Part 3 of this local law for the purposes of erecting, placing or displaying a portable advertising sign on a thoroughfare provided that the portable advertising sign—
- (a) does not exceed 500mm in height nor 0.5m<sup>2</sup> in area, is located in a position not closer than 500mm to any kerb, and ensuring always that a minimum 2m clear and free passage is maintained for persons using the footpath; and
  - (b) is erected, placed or displayed on a thoroughfare on an infrequent or occasional basis only to advertise another place, activity or event during the hours of that activity or event, and within close proximity of that activity or event; and
  - (c) meets the requirements listed in clause 3.5 (3)(e) to 3.5 (3)(k)

#### *Division 4—General*

### **3.6 Obligations on person erecting, placing or displaying sign**

- (1) An owner, occupier or permit holder that erects, places or displays a sign in accordance with Part 3 of this local law shall—
- (a) maintain the sign in a safe and serviceable condition at all times, in the opinion of the local government;
  - (b) display the permit number (if applicable) provided by the local government in a conspicuous place on the sign and whenever requested by an authorised person to do so, produce the permit to that person;
  - (c) ensure that the sign is of a stable design and is not readily moved by the wind, and does not by the nature of its design or anything else cause any hazard or danger to any person using a thoroughfare, in the opinion of the local government;
  - (d) comply with—
    - (i) the conditions imposed upon the permit where a permit has been issued by the local government; or
    - (ii) the requirements of clause 3.5 where a sign is erected, placed or displayed in accordance with clause 3.5;
  - (e) display the sign in the location approved by the local government and as specified in the permit;
  - (f) ensure the sign does not prevent free passage of persons using the footpath at all times, in the opinion of the local government; and
  - (g) not erect, place or display a sign—
    - (i) over any footpath where the resulting vertical clearance between the sign and the footpath is less than 2,700mm;
    - (ii) on or within 500mm from the kerb;
    - (iii) in any other location where, in the opinion of the local government or an authorised person, the sign is likely to obstruct lines of sight along a thoroughfare or cause danger to any person using the thoroughfare; or
    - (iv) on any other sign (or structure supporting a sign) any natural feature, including a rock or tree, on a thoroughfare, or on any bridge or the structural approaches to a bridge.

(2) A person shall not cause or permit a sign, to be erected, placed or displayed in such a condition, which in the opinion of an authorised person, causes or is likely to cause injury or danger to any person or damage to the clothing or possessions of any person.

### **3.7 Removal of sign for works**

A permit holder shall ensure that a sign that is erected, placed or displayed pursuant to Part 3 of this local law, is removed from any footpath to permit the footpath to be swept or to allow any other authorised work to be carried out when directed to do so by an authorised person.

### 3.8 Removal of sign which does not comply

A person shall remove any sign, or item which does not comply with the requirements of Part 3 of this local law, from any footpath when directed to do so by an authorised person.

### 6 Clause 9.4(4) inserted

After clause 9.4(3) insert—

- (4) An infringement notice expires if no payment of the modified penalty has occurred and the 28 days, plus any extension of the time to pay by an authorised person, from the date of issuing of the infringement notice has expired.
- (5) An infringement notice must contain advice that if the modified penalty is not paid within 28 days of the date of issue of the infringement notice (unless extended), the infringement notice will lapse and a prosecution may be commenced.

### 7 Schedule 1 replaced

Schedule 1 is deleted and replaced with—

*Schedule 1*  
PRESCRIBED OFFENCES

Item	Clause	Description	Modified Penalty \$
1	2.1(a)(i)	Plant which may cause a hazard	100
2	2.1(a)(ii)	Plant of 0.75m in height on thoroughfare	100
3	2.1(a)(iii)	Plant (except grass) on thoroughfare within 1m of carriageway	100
4	2.1(b)	Damaging lawn or garden	100
5	2.1(c)	Placing hazardous substance on footpath	100
6	2.1(d)	Damaging or interfering with signpost or structure on thoroughfare	300
7	2.1(e)	Playing games so as to impede vehicles or persons on thoroughfare	100
8	2.1(f)	Riding of skateboard or similar device on mall or verandah of shopping centre	100
9	2.2(1)(a)	Digging a trench through a kerb or footpath without a permit	100
10	2.2(1)(b)	Throwing or placing anything on a verge without a permit	100
11	2.2(1)(c)	Causing obstruction to vehicle or person on thoroughfare without a permit	100
12	2.2(1)(d)	Causing obstruction to water channel on thoroughfare without a permit	200
13	2.2(1)(e)	Placing or draining offensive fluid on thoroughfare without a permit	200
14	2.2(1)(g)	Lighting a fire on a thoroughfare without a permit	300
15	2.2(1)(h)	Felling tree onto thoroughfare without a permit	100
16	2.2(1)(i)	Installing pipes or stone on thoroughfare without a permit	100
17	2.2(1)(j)	Installing a hoist or other thing on a structure or land for use over a thoroughfare without a permit	300
18	2.2(1)(k)	Creating a nuisance on a thoroughfare without a permit	100
19	2.2(1)(l)	Placing a bulk rubbish container on a thoroughfare without a permit	100
20	2.2(1)(m)	Interfering with anything on a thoroughfare without a permit	100
21	2.3(1)	Consumption or possession of liquor on thoroughfare	100
22	2.4(1)	Failure to obtain permit for temporary crossing	200
23	2.5(2)	Failure to comply with notice to remove crossing and reinstate kerb	300
24	2.8(1)	Installation of verge treatment other than permissible verge treatment	200
25	2.9	Failure to maintain permissible verge treatment or placement of obstruction on verge	100
26	2.10	Failure to comply with notice to rectify default	100
27	2.16(2)	Failure to comply with sign on public place	100
28	2.18(1)	Driving or taking a vehicle on a closed thoroughfare	300
29	3.2(a)	Erect, place or display an advertising sign, direction sign or election sign on a thoroughfare or any structure situated on a thoroughfare without a permit	250

<b>Item</b>	<b>Clause</b>	<b>Description</b>	<b>Modified Penalty \$</b>
30	3.2(b)	post any bill or paint, place or affix any advertisement on a thoroughfare or any structure situated on a thoroughfare without a permit	250
31	3.4(2)	Failing to comply with conditions imposed on a permit for an election sign issued by the local government.	250
32	3.6(a)	Failing to maintain the sign in a safe and serviceable condition at all times, in the opinion of the local government;	100
33	3.6(b)	Failing to display the permit number provided by the local government in a conspicuous place on the sign ;	50
34	3.6(b)	Failing to produce a permit whenever requested by an authorised person to do so	100
35	3.6(c)	Failing to ensure that the sign is of a stable design and is not readily moved by the wind, and does not by the nature of its design or anything else cause any hazard or danger to any person using a thoroughfare, in the opinion of the local government;	100
36	3.6(d)(i)	Failing to comply with the conditions imposed upon the permit where a permit has been issued by the local government	250
37	3.6(d)(ii)	Failing to comply with the requirements of clause 3.5 where a sign is erected , placed or displayed in accordance with clause 3.5;	100
38	3.6(e)	Failing to display the sign in the location approved by the local government and as specified in the permit;	250
39	3.6(f)	Failing to ensure the sign does not prevent free passage of persons using the footpath at all times, in the opinion of the local government.	100
40	3.6(g)(i)	Erecting, placing or displaying a sign over any footpath where the resulting vertical clearance between the sign and the footpath is less than 2,700mm;	100
41	3.6(g)(ii)	Erecting, placing or displaying a sign on or within 500mm from the kerb;	100
42	3.6(g)(iii)	Erecting, placing or displaying a sign in any location where, in the opinion of the local government or an authorised person, the sign is likely to obstruct lines of sight along a thoroughfare or cause danger to any person using the thoroughfare; or	250
43	3.6(g)(iv)	Erecting, placing or displaying a sign on any other sign (or structure supporting a sign) any natural feature, including a rock or tree, on a thoroughfare, or on any bridge or the structural approaches to a bridge.	100
44	3.6(h)	Erecting, placing or displaying a sign in such a condition, which in the opinion of an authorised person, causes or is likely to cause injury or danger to any person or damage to the clothing or possessions of any person	250
45	3.7	Failing to ensure that a sign that is erected, placed or displayed pursuant to Part 3 of this local law, is removed from any footpath when directed to do so by an authorised person.	100
46	3.8	Failing to remove any sign, or item which does not comply with the requirements of Part 3 of this local law, from any footpath when directed to do so by an authorised person.	100
47	4.1(1)	Animal or vehicle obstructing a public place or local government property	100
48	4.2(2)(a)	Animal on thoroughfare when not led, ridden or driven	100
49	4.2(2)(b)	Animal on public place with infectious disease	100
50	4.2(2)(c)	Training or racing animal on thoroughfare in built-up area	100
51	4.2(3)	Horse led, ridden or driven on thoroughfare in built-up area	100
52	4.5	Person leaving shopping trolley in public place other than trolley bay	100
53	4.6(2)	Failure to remove shopping trolley upon being advised of location	100
54	5.2(1)	Conducting of stall in public place without a permit	300
55	5.3(1)	Trading without a permit	300
56	5.7(1)(a)	Failure of stallholder or trader to display or carry permit	100
57	5.7(1)(b)	Stallholder or trader not displaying valid permit	100
58	5.7(1)(c)	Stallholder or trader not carrying certified scales when selling goods by weight	100

<b>Item</b>	<b>Clause</b>	<b>Description</b>	<b>Modified Penalty \$</b>
59	5.7(2)	Stallholder or trader engaged in prohibited conduct	100
60	5.9	Performing in a public place without a permit	100
61	5.10(2)	Failure of performer to move onto another area when directed	100
62	5.13	Failure of performer to comply with obligations	100
63	5.15	Establishment or conduct of outdoor eating facility without a permit	300
64	5.17	Failure of permit holder of outdoor eating facility to comply with obligations	100
65	5.19	Failure to leave outdoor eating facility when requested to do so by permit holder	50
66	6.5	Failure to comply with a condition of a permit	100
67	6.9	Failure to produce permit on request of authorised person	100
68	9.1	Failure to comply with notice given under local law	100

Under the powers conferred by the *Local Government Act 1995* and by all other powers, the Council of the Town of Victoria Park resolved to make the following local law on the 20 July 2021.

The Common Seal of the Town of Victoria Park was affixed by the authority of a resolution of the Council in the presence of—

KAREN VERNON, Mayor.

ANTHONY VULETA, Chief Executive Officer.

On the 11th day of August, 2021.

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