

	Permit for Moveable Signs Local Government Act 1999 Sec 226-227 & Council's Moveable Signs By-Law 2015	Version No:	V 01.02
		Reviewed Date:	26/06/2018
		Next Review:	26/06/2020

Name:	
Address:	
Phone No:	Email:

Location and Description of where the movable sign will be placed on the Footpath & Diagram/Map
(attach map if necessary):

Type of Moveable Sign Proposed: <input type="checkbox"/> 'A' Frame Sign <input type="checkbox"/> 'T' Sign <input type="checkbox"/> Banner <input type="checkbox"/> Temporary Signage _____ <input type="checkbox"/> Other _____	Description of Sign Requested: <input type="checkbox"/> Business Advertising <input type="checkbox"/> Event Advertising <input type="checkbox"/> Other _____ _____
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Type of material the sign is to be made of eg timer frame, metal plate

Please Specify any proposed changes and specific details (eg banner or temporary sign to be tied/fixd to post or fence etc):

Permit Period Requested: From (Date): _____ to (Date): _____
Cannot exceed 5 years

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Extract from Local Government Act 1999 Sections 226 & 227

Division 7—Moveable signs

226—Moveable signs

- (1) Subject to this section, a person may place and maintain a moveable sign on a road without an authorisation or permit under this Part if (and only if)—
 - (a) the design and structure of the sign complies with the requirements of the council's by-laws; and
 - (b) the sign is placed in a position that complies with the requirements of the council's by-laws; and
 - (c) any other relevant requirements of the council's by-laws are complied with; and
 - (d) the sign does not unreasonably—
 - (i) restrict the use of the road; or
 - (ii) endanger the safety of members of the public.
- (2) However, a by-law cannot be made with the effect of prohibiting the placement of a moveable sign on a part of a road (other than a carriageway) unless the prohibition is reasonably necessary—
 - (a) to protect public safety; or
 - (b) to protect or enhance the amenity of a particular locality.
- (3) A person may place and maintain a moveable sign on a road without an authorisation or permit under this Part and without reliance on subsection (1) if—
 - (a) the sign is placed there pursuant to an authorisation under another Act; or
 - (b) the sign is designed to direct people to the open inspection of any land or building that is available for purchase or lease; or
 - (c) the sign is related to a State or Commonwealth election and is displayed during the period commencing at 5pm on the day before the day of the issue of the writ or writs for the election and ending at the close of polls on polling day; or
 - (ca) the sign is related to an election held under this Act or the *Local Government (Elections) Act 1999* and is displayed during the period commencing 4 weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
 - (d) the sign is of a prescribed class.
- (4) No action lies against a council or an officer or employee of a council for injury, damage or loss resulting from the placement of a moveable sign on a road unless the council itself or some person acting on behalf of the council placed the sign on the road.

227—Removal of moveable sign

- (1) If—
 - (a) the design or construction of a moveable sign that has been placed on a road does not comply with a requirement of the council's by-laws; or
 - (b) the positioning of the sign does not comply with a requirement of the council's by-laws; or
 - (c) any other relevant requirement of the council's by-laws is not complied with; or
 - (d) the sign unreasonably—
 - (i) restricts the use of the road; or
 - (ii) endangers the safety of members of the public,
 an authorised person may order the owner of the sign to remove the sign from the road.1
- (2) If the authorised person cannot find the owner, or the owner fails to comply immediately with the order, the authorised person may remove and dispose of the sign.

Note—

1 Any breach of a relevant by-law may also constitute an offence under Chapter 12.


The Issuing of this Permit is subject to:

- a. The permit holder agreeing to the General Conditions of the permit as contained herein
- b. The permit holder agreeing to all Special Conditions which the Council may determine
- c. The permit holder paying the prescribed fee
- d. The permit holder providing a copy of all appropriate insurances as required by either the General or Special Conditions.

General Conditions of Permit:

1. The Permit Holder agrees to indemnify the Council from and against all actions, costs, claims and damages, which may be brought or claimed against the Council arising out of or in relations to the granting of this permit.
2. The permit holder shall take out and keep current a public risk insurance policy in the name of the permit holder insuring the permit holder for the minimum sum of ten million dollars (\$10,000,000) against all actions, costs,

W:\32. Permits and Forms\Permit for Moveable Signs (Sec 226-227)\Permit for Moveable Signs.docx	<i>Electronic version on the W:Drive is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.</i>	Page 2 of 4
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- claims, damages, charges and expenses whatsoever which may be brought or made or claimed against the permit holder in relation to the activity.
3. The permit holder must provide confirmation of insurance to the Council. Such policy shall bear the endorsement of the Insurer indicating the Insurer accepts the indemnity given by the permit holder.
 4. The permit holder shall comply with and give all notices required by any Act of Parliament, Ordinance, Regulation or By-law relating to the activity.
 5. The Permit Holder, where appropriate, shall ensure that it is licensed or registered to carry out the activity authorised by the issuing of this permit.
 6. The Permit Holder must ensure the activity permitted to be carried out by this Permit is lawful and conducted in a safe and responsible manner.
 7. The permit is not transferable. The permit is only valid for activity described on the permit for the approved dates.
 8. Other structures on the area may not be moved, altered or interfered with in any way except with the written approval of the relevant authority or the owner and Council. The Permit Holder must take all reasonable precautions to avoid damage to the area and Council improvements and structures.
 9. The Permit Holder may not alter or remove any of the existing fixtures and fittings or install any structures or items within or adjacent to the area without Council approval.
 10. The Permit Holder agrees to supply Council with a diagram, detailing the specifics of the request.
 11. All Fixtures and fittings erected or installed in, on, across, under or over the area remain the property of the Permit Holder and must be removed at the end of the permit period.
 12. The Permit Holder must keep the area clean and free from litter and waste material.
 13. The Permit Holder will remove all obstructions from the Area upon 24 hours notice (or less in times of emergency) by the Council for maintenance or repair works.
 14. Unless the Permit Holder first gets the consent of Council in writing, they must not display any permanent sign that is visible to the public.
 15. This permit is liable to be revoked by Council if the permit holder fails to comply with a condition of this permit or may be revoked in any other justifiable circumstance.
 16. This permit will not come into operation (where applicable) until proof of the appropriate insurance has been provided to Council and written confirmation of approval, signed by Council has been returned to you.
 17. The permit holder agrees to be responsible for and ensure the orderly conduct or member of the public within the area.
 18. Any permit holder intending to sell food products must supply Council with a current Food Business Notification Form.

Moveable Signs on Roads Conditions
Design and Construction

- A moveable sign displayed on a road must:
1. be constructed so as not to present a hazard to any member of the public;
 2. be constructed so as to be stable when in position and to be able to keep its position in adverse weather conditions;
 3. not be unsightly or offensive in appearance;
 4. not contain flashing or moving parts;
 5. be not more than 90cm high, 60cm in width or 60cm in depth;
 6. in the case of an 'A' frame or sandwich board sign:
 7. be hinged or joined at the top;
 8. be of such construction that its sides can be and are securely fixed or locked in position when erected;
 9. in the case of an inverted 'T' sign, contain no struts or members that run between the display area of the sign and the base of the sign.

Placement

- A moveable sign displayed on a road must:
1. not be placed anywhere except on the footpath;
 2. not be placed on a sealed footpath, unless the sealed part is wide enough to contain the sign and still leave a clear thoroughfare at least 1.2 metres wide;
 3. be placed at least 40cm from the kerb (or if there is no kerb, from the edge of the roadway);
 4. not be placed on a landscaped area, other than on landscaping that comprises only lawn;
 5. not be placed on a designated parking area or within 1 metre of an entrance to any premises; and
 6. not be fixed, tied or chained to, leaned against or placed closer than 2 metres to any other structure, object or plant (including another moveable sign);
 7. not be placed in a position that puts the safety of any person at risk;

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8. not be placed on a median strip, roundabout, traffic island or on a carriageway;
9. within 10 metres of an intersection of a road.

Restrictions

A moveable sign displayed on a road must:

1. only contain material which advertises a business being conducted on commercial premises adjacent to the sign, or the goods and services available from that business;
2. be limited to one per business premises;
3. not be displayed unless the business to which it relates is open to the public;
4. be securely placed in position such that it cannot be blown over or swept away;
5. not be displayed during the hours of darkness unless it is clearly visible.

Appearance

A moveable sign displayed on a road must:

1. be painted or otherwise detailed in a competent and professional manner;
2. be legible and simply worded to convey a precise message;
3. be of such design and contain such colours that are compatible with the architectural design of the premises adjacent to the sign and are compatible with the townscape and overall amenity of the locality in which the sign is situated;
4. contain a combination of colours and typographical styles that blend in with and reinforce the heritage qualities of the locality and the buildings in which the sign is situated;
5. not have any balloons, flags, streamers or other things attached to it.

Banners

A banner must:

1. only be displayed on a road, footpath or road related area;
2. be securely fixed to a pole, fence or other structure so that it does not hang loose or flap;
3. not be attached to any building, structure, fence, vegetation or other item owned by the Council on a road, or other improvement to a road owned by the Council;
4. not be displayed more than one month before and two days after the event it advertises;
5. not be displayed for a continuous period of more than one month and two days in any twelve month period;
6. not exceed 3m² in size.

<p>Signed for and on behalf of the permit holder</p> <p><i>I acknowledge that I have read and understand the permit conditions and agree to abide by and be bound by the said conditions</i></p> <p>Name: _____ Position: _____</p> <p>Signature: _____ Date: _____</p>
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<p>Office Use Only</p> <p>Approval for a Permit for Moveable Signs is hereby granted subject to the above Terms & Conditions and any Special Conditions outlined below;</p>
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<p>Signed for and on behalf of the Council</p> <p>Fee: As per Fees and Charges Register</p> <p>Name: _____ Position: _____</p> <p>Signature: _____ Date: _____</p>
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