

Policy Number:	LPP 018
Policy Type:	Local Planning Policy
Policy Name:	<b>Signs and Advertisements</b>
Policy Owner:	Chief Executive Officer

**Authority:** Shire of Nannup Local Planning Scheme No. 3

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## **OBJECTIVES**

The objectives of this Policy are to:

1. ensure that existing and future signage is maintained at a level which produces a positive image of the Shire of Nannup;
2. encourage advertising which complements the natural and urban environment whilst minimising any negative impacts;
3. promote a high standard of design and presentation;
4. minimise clutter of advertising signs;
5. control the erection of signs (size, type, location and quality) so as to minimise the proliferation of signs, prevent visual pollution and not detract from the amenity of an area;
6. prohibit advertising which is superfluous or unnecessary by virtue of their colours, height, prominence, visual impact, size, relevance to the premises on which they are located, number and content;
7. ensure that the visual quality and character of localities and transport corridors are not eroded;
8. minimise the total area and impact of outdoor advertising commensurate with the realistic needs of commerce for such advertising;
9. provide further interpretation of LPS3 in the assessment of applications for signs;
10. set out guidelines that will assist in the regulation and control of signage;
11. provide increased certainty for advertisers, landowners, the community and others and to assist in providing greater consistency in decision making by the Council; and
12. facilitate the effective and timely processing of sign applications where in accordance with this Policy.

## **DEFINITIONS**

In this Policy, the following definitions apply:

“Advertisement” means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display or advertisements. The term includes any airborne device anchored to any land or building any vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising.

“Advertiser” means any person or any group comprised of the landowner, occupier, licensee or other person having an interest in, or drawing benefit from, the display of an advertisement concerned. In this Policy, “advertiser”, “applicant” and “proponent” have the same meaning.

“Third party properties” means properties which are not owned by the advertiser and/or from sites where the business or service is not operating.

In this Policy, “main roads” and “key tourist routes” means the Vasse Highway, Brockman Highway and Nannup-Balingup Road.

In this Policy, “signs”, “advertisements” and “advertising signs” have the same meaning. “Sign” can also mean “signs”.

In this Policy, “Agriculture Zone” also means “Agriculture Priority 1 – Scott Coastal Plain”, “Agriculture Priority 2”, “Cluster Farming” and “Coastal Landscape” zones.

## **POLICY**

This Policy sets out Council's position relating to signs and advertisements.

It is Council's policy to achieve a balance between the provision of legitimate and appropriate signage and to minimise the adverse impacts that signs may have on the amenity, appearance and character of an area and/or on the municipality.

### **Background and Issues**

It is a requirement of the Shire of Nannup Local Planning Scheme No. 3 (LPS3) for various signs to gain planning approval prior to erection, placement or display.

### **Application of the Policy**

This Policy applies to any advertising device proposed to be erected within the municipality unless it is an “exempted advertisement” as set out in *Attachment 1* of this Policy (Schedule 5 of LPS3).

### **Links to Local Planning Scheme and Other Documents**

This Policy relates to various requirements set out in LPS3 including Clause 5.8.14.2 requiring advertisers to submit a Planning Application to the Shire.

## Policy Provisions

### 1. Exemptions from the Requirement to Obtain Planning Approval

Planning approval is not required from the Council in respect of those advertisements listed in Attachment 1 which are referred to as “exempted advertisements”. The exemptions listed in Attachment 1 do not apply to land, buildings, objects, structures and places included on the:

- Council’s Heritage List;
- National Trust list;
- National Estate register;
- within a Heritage Area; or
- within a Landscape Values Area.

For all other signs not set out in Attachment 1, the advertiser is required to submit a Planning Application and gain approval from the Council prior to the sign/s being erected.

### 2. General

In assessing a Planning Application for a sign, the Council will have regard to matters including the following:

- size, shape, materials, colours, finish, wording, general appearance, quality and location of the sign;
- whether it is illuminated and the presence or rate of flashing lights;
- existing number of signs on the site and as relevant in the locality (especially adjoining main roads and key tourist routes);
- pedestrian, cyclist and motorist safety;
- the objectives of LPS3;
- provisions and requirements of LPS3;
- the character and amenity of the locality within which it is to be displayed, including its historic and/or landscape significance;
- whether the application will create or exacerbate a clutter of advertising signs;
- whether the sign will create a detrimental visual impact on the area and/or transport corridor;
- whether the advertising is superfluous or unnecessary by virtue of their colours, height, prominence, visual impact, size, relevance to the premises on which they are located, number and content;
- zoning of the lot;
- the amenity of adjacent areas which may be affected and the effect on the streetscape;

- whether the sign is proposed to be temporary or permanent;
- written comments from affected landowners and other stakeholders;
- adopted Nannup main street heritage area guidelines, other adopted design guidelines or adopted building and landscaping guidelines;
- for signs proposed in or near the Nannup townsite, taking account of the historic and garden village theme of Nannup; and
- any other circumstance and factor affecting the application in the opinion of the Council.

Generally, signs should be located on land or buildings on which is conducting a business or profession which the sign relates. The Council may, following appropriate justification from an applicant, consider signs on “third party” freehold properties. Generally, this will be:

- for a temporary period (typically 6 – 12 months) following which the signs are to be removed;
- for a recently established local business or a local business (based in the Shire of Nannup) which will shortly commence operating; and
- limited to one sign for the business which is no greater than 4m<sup>2</sup> in area.

The Council will not support commercial advertising signs (including pylon, hoarding, tethered, and product display signs) for products and services of a multi-national, national or State wide business/entity which is located on third party land. The only exception is where the sign is located on a building, where it will be assessed on its merits against this Policy and LPS3.

The Council will consider signs, no greater than 4m<sup>2</sup> in area, which advertise community development or road safety on third party freehold land. Signs will generally be granted approval for a temporary period which is typically no greater than 12 months. After this, the sign is to be removed.

The Council will not support applications for advertisements that, in the opinion of Council, detract from the aesthetic qualities of an area by virtue of inappropriate size, colour, illumination and location. Additional to this, the Council will consider the existing number of signs placed in an area and/or on the building to ensure visual cluttering does not occur.

Generally, the Council does not support signs located on a light pole or power pole unless associated with a community event. Additionally, for roads managed by Main Roads Western Australia, the agency does not allow a sign or advertising device to be attached to existing signs, structures and roadside items including a light/power pole.

The use of vehicles, trailers, and trucks for display or exhibiting of signage will not be permitted except for special events as approved by Council.

The “onus of proof” rests with the advertiser to justify their Planning Application and variations to this Policy.

### 3. Prohibited Signs

A person shall not erect, maintain or display a sign that:

- will obstruct the view of traffic on a street or public place;
- prevents the safe and effective use of a footpath and/or dual use path;
- is located in a median strip or roundabout;
- can obstruct access to or from a door, fire escape or window, other than a window designed for the display of goods;
- is likely to be confused with, or mistaken for, an official traffic sign;
- emits a flashing, intermittent or sequential light;
- is situated on a tower, mast, chimneystack, spire, dome or similar architectural feature or on a superstructure over the main roof of a building;
- is situated on a building or structure where the stability of the building or structure is likely to be affected by the sign;
- is free standing sign above a roof;
- is on a tree that is living; and
- that contains offensive language or content.

### 4. Town Centre Zone and Heritage Area

In the Town Centre Zone and/or the Heritage Area (subject to the Nannup Main Street Heritage Guidelines set out in *Local Planning Policy No. 8*), the following will apply:

- consistency with the “garden village” character and “working timber town” identity;
- be compatible with existing development and the Heritage Area including being respectful of the scale, form and style;
- the use of under verandah signs and “shingles” is encouraged;
- signage is contained to the building walls and parapets. No additional structures will be permitted for roof mounted, signs over roofs or above parapets;
- signs are allowed on verandah fronts provided they are no higher than half of the parapet behind;
- stand-alone pylon signs, such as petrol station signs, may be acceptable where they are on, or close to, the front boundary and do not exceed the height or the proposed building;
- external illuminated signs are supported, however flashing illuminated or reflective signs are not supported; and
- advertising for franchises/corporate images are not supported where they affect the town’s established character or subdue its rural image.

## 5. Home Business Signs

Permanent signs for home businesses in the Residential, Special Residential, Special Rural and Special Use Zones (for Special Use Zones within the Nannup townsite) are to be:

- associated with the occupation of persons living on the property;
- a maximum of 1m<sup>2</sup>;
- constructed of materials and in colours which are complementary to area; and
- restricted to the approved business name and not advertise any commercial product.

## 6. Signs in Other Zones

Unless appropriately justified by the advertiser, the Council will not approve the erection of signs within the Industry Zone, Special Use Zone (outside the Nannup townsite) and in agriculture zones for an advertising device for a service or commodity which is not produced, offered or sold on the lot where the advertising device is erected.

Unless appropriately justified by the advertiser, the maximum size of a permanent sign is:

- Industrial Zone: 15m<sup>2</sup>;
- Special Use Zone (outside the Nannup townsite): 9m<sup>2</sup>; and
- Agricultural Zones: 9m<sup>2</sup>.

## 7. Signs within Road Reserves and on Shire Managed Land

Generally, the Council does not support signs being located in road reserves and on Shire managed land. Exceptions to this are moveable signs (section 11 of this Policy), real estate signs outside of townsites and adjacent to various zones (section 12) and directional signs (section 14).

Public open space and reserves within the municipality on land managed by the Shire, shall not be used for the erection of signage except for purposes as approved by Council.

The Council does not support the erection of signage on trees with the road reserve.

The Council will consider signs supporting the sale of locally produced rural produce, adjacent to agricultural zones, within a road reserve managed by the Shire. The Council will support the erection of a seasonal signage, to bona fide rural producers, who provide for the sale of produce on an incidental basis subject to meeting other requirements of this Policy including safety considerations.

## 8. Siting Restrictions Near Main Roads and Key Tourist Routes

The Council will generally not permit the siting of advertising signs on or in the vicinity of main roads and key tourist routes (for this Policy these are Vasse Highway, Brockman Highway, and Nannup-Balingup Road) when they provide vistas for the surrounding landscape. The protection of these vistas is important from a tourism and amenity viewpoint.

The Council may consider the erection of suitable advertising signs near main roads and key tourist routes where the signs are:

- on freehold land; and
- located on land or buildings on which the business or profession relates; or
- for new business and limited to a temporary period (as outlined in section 2); or
- for community development or advertising road safety (as outlined in section 2).

The Council will require that signs are sited to minimise the impact upon surrounding vistas and to minimise impacts on the area's amenity.

If an advertising sign is deemed to be in conflict with its surrounding environment and will detrimentally reduce the amenity of the area, then the Council will not support the proposed sign.

## 9. Signs Within Places of Heritage Value

The Council will have regard to the placement of signage on or within places of heritage value and buildings set out in the Council's Heritage List, National Trust list, National Estate register or within a Heritage Area. Further, the Council will consider:

- the historic appropriateness of the materials;
- style design and lettering of the sign; and
- whether it is affixed in such a way that it causes no damage to the building and may be removed without leaving evidence of it having been affixed.

## 10. Temporary Signs for Events and Traffic Management

There is no requirement to submit a Planning Application for signs associated with traffic management for events. This is subject to signage and the event being undertaken in accordance with the *Traffic Management for Events Code of Practice* (or any updates).

There is no requirement to submit a Planning Application for signs to publicise a forthcoming event subject to the following:

- temporary signs are not to be placed on the road reserve, unless it is a directional sign;
- the temporary sign must be removed after the forthcoming event has passed and must not be displayed longer than 8 weeks;
- located to promote the safety of motorists, pedestrians and cyclists;
- if the Council considers the temporary signs are inappropriate or unsuitable they will be removed.

While noting the above, Main Roads Western Australia requires approval for any signage in, or in the vicinity of the road reserve of a declared highway or main road. A written application is required.

There is no requirement to submit a Planning Application for signs associated with traffic management for works on roads. This is subject to signage and works being undertaken in accordance with the *Traffic Management for Works on Roads Code of Practice* (or any updates).

### 11. Moveable Signs

Movable signs are not supported where, in the Council's opinion, the sign would obstruct pedestrian, cyclist or vehicle movements or sightlines or obstruct access or views from any other premises.

Moveable signs may be supported by the Council where relevant safety and other planning considerations are suitably met. This is subject to:

- any moveable sign should typically be located as close as possible to the premises to which it relates, unless the Council is satisfied that there are circumstances which make this difficult and that an alternative location has been identified, which is to the satisfaction of Council;
- the advertiser/operator is required to maintain an appropriate Public Liability Insurance covering the placement of the moveable sign on the footpath within the Nannup town centre that indemnifies Council to the satisfaction of Council;
- moveable signs shall only remain in public places while the shop or business is open for trading; and
- moveable signs within road reserves are to be removed at the close of trading each trading day.

### 12. Real Estate Signs

No Planning Application is required for advertising signs for property transactions including sale and leasing where the sign complies with Attachment 1 and where the property is not on the Council's Heritage List, on the National Trust list or on National Estate register. This is subject to the sign being:

- located to promote the safety of motorists, pedestrians and cyclists;



- located on freehold land which is subject to the property transaction;  
and
- removed within 4 weeks of the completion of the property transaction.

No real estate advertising signs will be permitted on road reserves or on Shire controlled land in the Nannup townsite and on land adjacent to sites zoned Residential, Special Use, Future Development and Special Rural outside the Nannup townsite. Real estate advertising signs are to be located on freehold land which is zoned Residential, Special Use, Future Development and Special Rural outside the Nannup townsite.

The Council will determine the merits of real estate signs in road reserves adjacent to agricultural zones where they cannot be located on freehold land and they are appropriately located which promote the safety of motorists. Real estate agents will be responsible for “Dial before you dig” and avoiding services/infrastructure, with any costs payable to rectify services met by the real estate agency.

The Shire may remove real estate signs located within road reserves or on Shire controlled land throughout the municipality without necessary approvals and/or for signs which may create safety concerns.

### 13. Subdivision/Development Marketing Signs

Subject to other requirements of this Policy being suitably met, including safety considerations, the Council will support one sign per street frontage up to 3m<sup>2</sup> on the development site. For large development or redevelopment projects, in the opinion of the Council, the Council may consider approving one sign per street frontage up to 10m<sup>2</sup> on the development site.

Any subdivision/development marketing sign will be approved for a temporary period as determined by the Council.

### 14. Directional Signs

The Council will assess, on its merits, the use of standard directional signs on roads to direct traffic to emergency services, community groups, businesses or other entities. Main Roads Western Australia has authority over directional signs (service and tourist signs) on the State road network. Where the local government is asked to comment, the Council will recommend that a limit of one fingerboard sign for the entity is provided at the junction of a highway or main road indicating the most direct route to the facility.

Generally, the Council will limit the number of directional signs at any intersection or other location to three (3). Priority for directional signs is given to emergency services, then community groups and last to businesses.

Generally, the Council will issue approval for directional signs for a maximum of 5 years. Following this, a separate application (and approval) is required or the sign may be removed. The Shire may remove the directional sign where the entity is no longer operating or if the entity has relocated their premises.

The advertiser is responsible for meeting the costs of directional signage, with costs set out in the Council's fees and charges.

The Council will generally support the use of composite/generic signs to remove the need for separate signs.

Where more than one direction sign is required for a particular street junction, then they may be required to be incorporated into a stack sign structure which will be funded by the various sign owners. Should there be a request for multiple signs, the Council may require the installation of a "generic" sign e.g. directing to the industrial estate.

Directional signs should not resemble an official traffic sign.

All lettering shall be white on a blue background for services or white on brown for tourist attractions.

Tourist signs may be installed for tourist establishments endorsed by the Department of Planning or Tourism WA (or the agency responsible for tourism planning).

#### 15. Main Roads Western Australia

The erection of signs near a highway or main road under the control of Main Roads Western Australia (MRWA) requires the approval of both the Council and MRWA.

MRWA require approval for any signage in, or in the vicinity of the road reserve of a declared highway or main road. A written application is required.

The Council does not generally support signs within road reserves managed by MRWA for reasons including visual impact and detrimentally impacting the amenity of the area. The Council will consider, on its merits, signs within road reserves managed on MRWA as set out in this Policy. Additionally, the Council will consider, on its merits, signs on adjoining freehold land as set out in this Policy.

#### 16. Existing Signs

There is no presumption that any existing sign has an approval from the Council. All signs will be treated according to this Policy unless the owner of the sign is able to demonstrate that Council has previously issued approval for that sign.

## 17. Derelict or Poorly Maintained Signs

Where, in the opinion of the Council, an approved sign has been permitted to deteriorate to a point where it conflicts with the objectives of LPS3 or it ceases to be effective for the purpose for which it was erected or displayed, the Council may by notice (consistent with clauses 5.8.17.7 and 5.8.14.8 of LPS3) in writing require the advertiser to:

- repair, repaint or otherwise restore the advertisement to a standard specified by Council in the notice; or
- remove the advertisement.

## 18. Non-Compliance

Should any sign (other than exempt signs which are consistent with this Policy) be erected without gaining Planning Approval, the Council may, without incurring any liability, remove and dispose of the sign. The sign may be removed may incur a retrieval fee and may be detained for a period of 3 weeks where this occurs for the first “offence”. Any sign not claimed within 3 weeks may be disposed of for the first offence. For the second and possible multiple offences, any non-compliant sign may be disposed of immediately.

Should any sign that has gained Planning Approval not comply with the conditions of the Planning Approval, the Council may serve a notice on the advertiser (consistent with clauses 5.8.17.7 and 5.8.14.8 of LPS3).

Where an exempt sign seriously conflicts with the provisions of clause 5.8.14 of LPS3, the Council may serve a notice on the advertiser consistent with clauses 5.8.17.7 and 5.8.14.8 of LPS3.

In addition, the Council may require any sign to be removed if it is of the opinion that it is offensive or unsightly consistent with clauses 5.8.14.6 and 5.8.14.8 of LPS3.

## **ADMINISTRATION**

### 1. Matters to be Addressed Prior to Formally Lodging the Application

Proponents are encouraged to discuss proposals that seek to vary Policy requirements with the Shire administration early on in the planning process and prior to the formal lodgement of any Planning Application.

### 2. Application Requirements

Planning Applications are to include the following:

- the requirements set out in clause 5.8.14.2 and Schedule 7 of LPS3 which includes a clear photograph/diagram of the sign (incorporating

- colours, dimensions, materials); and a clear site plan (including highlighting existing signs);
- filling in the Form of Application for Planning Approval and the Additional Information for Advertisement Form; and
  - payment of the Shire Planning Application fee.

Preferably, the Planning Application is also accompanied by written correspondence which sets out reasons justifying the proposal.

Should a Planning Approval be issued, it may be necessary for the proponent to submit a Building Licence Application (which gains necessary approval) prior to erecting the sign.

### 3. Consultation with Landowners and Stakeholders

The Shire administration may seek comments on any Planning Application as considered appropriate.

Where a proposed sign is considered to have the potential to adversely impact on adjoining and/or nearby landowners, in the opinion of the Shire administration, the Shire will write to affected landowners/stakeholders regarding the application and invite them to submit comments to the Shire.

Where a Planning Application for a sign is made that does not comply with the requirements set out in this Policy, a copy of the application may be referred to adjoining/nearby landowners, relevant government agencies and stakeholders for comment.

Where a sign adjoins a road managed by MRWA, unless on a building and in conformity with this Policy, it will be referred to MRWA for comment.

### 4. Assessing the Planning Application

Planning Applications will be assessed on a case by case basis subject to this Policy, LPS3, information provided by the applicant and any submissions received.

In granting planning approval for the erection or display of an advertising sign, the approval may include conditions concerning matters such as the location, position, size, shape, colour, number of existing signs, degree of illumination and length of approval.

Should an application for a sign not comply with requirements of this Policy, the application may be referred to Council for consideration.

Where objections are received and the objections are not able to be adequately dealt with through conditions of approval, the application will be referred to Council for determination.

The Council may refuse a Planning Application where the application is inconsistent with this Policy and/or LPS3, or based on information set out in any submission received.

Related Policies:	
Related Procedures/Documents:	Attach 1: Schedule 5 of LPS3
Delegation Level:	CEO, Building Surveyor
Adopted:	26 July 2012
Reviewed:	<a href="#">OM 25 January 2018</a>