

# Display of Election Signage in Alexandrina Council for the 2022 Local Government Elections

Recent changes to the *Local Government Act 1999* have changed the rules around where you can place election signage and is now based on what your signs are made of.

## Election signs made of plastic or corflute

(electoral advertising or posters)



**Cannot be exhibited on a *public road* including any structure or fixture.**

- If displayed on a public road, they will be removed by the Council as they are prohibited by the *Local Government Act 1999*.
- The maximum penalty for exhibiting election signage made of plastic or corflute is a fine of \$5,000.



**Cannot be exhibited on *council land***



**Can be exhibited on private land:**

- From **Thursday 13 October 2022 until 5.00 pm on Polling Day Thursday 10 November 2022.**
- With permission from the landowner.
- The sign does not require development approval if the total area of signage on each site is less than 2m<sup>2</sup>. If the total area of signage is greater than 2m<sup>2</sup> you will need to seek and be granted development approval.

## Election signs made of other materials (not plastic or corflute)

(local government election signs)

- ✓ Can be exhibited on **council land** in accordance with Council's General Approval issued on 15 August 2022.  
Maps indicating Council roads are available on Council's elections web page
- ✓ Can be exhibited on a **public road** on:
  - SA Power Networks and Department for Infrastructure and Transport infrastructure, if they meet the requirements of the General Approval granted by SA Power Networks and the Department for Infrastructure and Transport (General Approval); or
  - Council infrastructure, if it does not unreasonably restrict the use of the road or endangers members of the public; and
  - They are exhibited for the period four weeks prior to polling day which is the period from **Thursday 13 October 2022 until 5.00 pm on Polling Day Thursday 10 November 2022.**
- ✓ Can be exhibited on **private land**:
  - From **Thursday 13 October 2022 until 5.00 pm on Polling Day Thursday 10 November 2022.**
  - With permission from the landowner.
  - The sign does not require development approval if the total area of signage on each site is less than 2m<sup>2</sup>. If the total area of signage is greater than 2m<sup>2</sup> you will need to seek and be granted development approval.

The following requirements apply to the display of election signs within Alexandrina Council between 13 October 2022 to 10 November 2022:

- Display of election signs made of plastic or corflute (electoral advertising posters) on public roads (including any structure, fixture, or vegetation on a public road) is prohibited. Maximum penalty: \$5,000.
- Any election sign (not made of corflute or plastic) may be displayed on council infrastructure on a road providing it does not unreasonably restrict the use of the road or endangers members of the public. Signage that is insufficiently durable (i.e., liable to destruction by weather events) should not be displayed.
- Candidates must comply with the requirements of the General Approval to display election signs (not made from corflute or plastic) on infrastructure owned by SA Power Networks (SAPN) and the Department for Infrastructure and Transport (DIT).
- Candidates must obtain permission from private property owners for the placement of election signs on private property. Candidates must obtain permission from Council as landowner for the exhibition of election signs on infrastructure or assets on Council land (other than public roads). It is the responsibility of the candidate to consider if

development approval is required for each site and make the necessary applications to the Council.

**Authorised Officers may:**

- Remove any election signage placed outside of the period allowed in the Council by-laws and issue expiations (\$315) under the *Local Nuisance and Litter Control Act 2016* (section 23 – Bill Posting).
- Take action that may lead to the removal and disposal of election signs if they have been affixed or displayed in a manner that restricts the use of a road, endangers the safety of the public, or if a sign has been affixed or displayed contrary to the General Approval or otherwise without the SAPN's or DIT's consent.
- Remove election signage if it is causing a risk to public safety.
- Request removal of election signs within 24 hours, and if not removed within this timeframe remove the offending sign.
- Issue expiation notices or take other enforcement action where the *Local Government Act 1999*, the *Local Nuisance and Litter Control Act 2016*, the *Planning, Development and Infrastructure Act 2016* or Council's By-laws are contravened.

A summary of the relevant sections of the different acts and by-laws is provided overleaf for your information. It is the responsibility of each candidate to be aware of all the legislative requirements for the placement of election signage and the General Approval. It is recommended, candidates should seek their own independent advice regarding election signage.

## Local Government Act 1999

### 226—Moveable signs

- (2a) A person must not exhibit an electoral advertising poster relating to an election held under this Act or the *Local Government (Elections) Act 1999*, on a public road (including any structure, fixture or vegetation on a public road), except in circumstances prescribed by the regulations.

Maximum penalty: \$5 000.

- (5) In this section—

***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.

*Note: There are no other materials prescribed by the regulations.*

### 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.<sup>1</sup>
- (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:

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

## Alexandrina Council General Approval to display local government election signs

This General Approval is given by the Alexandrina Council under the provisions of its By-Laws for local government election signs (not being electoral advertising posters) 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.
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.
8. be fastened securely so that they cannot become detached in high winds and endanger Council, SAPN or DIT property or equipment or pose a danger to the public.
9. be installed, maintained, and removed in a safe manner without endangering personal and community safety.

### 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, SAPN or DIT 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 (Superday) 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, SAPN or DIT 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:
  - must not be lower than 2 metres; and
  - 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 SAPN and DIT **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, SAPN and DIT against any such personal injury or property damage or other loss incurred by the Council, SAPN or DIT 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 on private land or infrastructure without the permission of the private landowner.

## Planning, Development and Infrastructure Act 2016 and General Regulations

Schedule 4, Planning, Development and Infrastructure (General) Regulations 2017

Note:

An act or activity specified in this Schedule is declared not to constitute development for the purposes of the Act, subject to the limitations set out in regulation 3C. For example, that regulation provides that an exclusion under Schedule 4 does not apply in respect of a State heritage place.

#### 1—Advertising displays

The commencement of an advertising display containing an advertisement—

- (f) 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:

- (i) that the total advertisement area of all advertisements of that kind displayed on 1 building or site is not more than 2m<sup>2</sup>;
- (ii) except for an advertisement that relates to a federal, State or local government election, that the advertisement is displayed for a period not exceeding 1 month prior to the event and 1 week after the conclusion of the event;
- (iii) that 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.

Authorised by:

Nigel Morris, **Chief Executive Officer**