

## STRATEGIC POLICY

### INSTALLATION OF AN ELECTION ADVERTISING DEVICE

<b>Corporate Plan Reference:</b>	4. Health and well-being 4.1 Safe and healthy communities 4.1.2 Provide community safety and regulatory programs that ensure the well being of residents and visitors
<b>Endorsed by Council on:</b>	22 February 2012
<b>Policy Owner and Department:</b>	Manager Corporate Governance, Finance and Business

#### POLICY PURPOSE

This policy has been prepared in respect of *Local Law No. 1 (Administration) 2011* and *Subordinate Local Law No. 1 (Administration) 2011* for the purpose of identifying requirements which are considered appropriate to be imposed as a condition upon an approval for the installation of an election advertising device.

#### POLICY OUTCOME

The outcome sought from this policy is to protect community health, safety and amenity by establishing a consistent regulatory framework across the local government area to manage the installation of an election advertising device.

#### POLICY SCOPE

This policy applies to the determination of an approval by council for the installation of an election advertising device under *Local Law No. 1 (Administration) 2011*.

#### POLICY STATEMENT

This policy applies to the installation, erection or display on all land within council's local government area, including a private place and a public place, of an election advertising device that is visible from a road or other public place for which an approval is required under *Local Law No. 1 (Administration) 2011*.

This policy identifies requirements across the local government area for the installation of an election advertising device that are considered appropriate to be imposed as a condition upon an approval for the installation of an election advertising device.

#### GUIDING PRINCIPLES

This policy is guided by the following principles:

- (a) to respect the rights of a person to install an election advertising device consistent with section 36 (Election advertising) of the *Local Government Act 2009*;
- (b) to ensure the application of requirements across the local government area for the installation of an election advertising device;

- (c) to ensure a level of protection of community health, safety and amenity across the local government area.

## FORM OF APPLICATION

For the purposes of section 8 (Form of application) of *Local Law No. 1 (Administration) 2011*, an approved application form for the installation of an election advertising device will be available on council's website or from council offices.

## CONDITIONS OF APPROVAL

For the purposes of section 10 (Conditions of approval) of *Local Law No. 1 (Administration) 2011*, the following requirements are considered appropriate to be imposed as conditions upon an approval for the installation of an election advertising device—

- (a) The total number of election advertising devices that may be exhibited in the local government area, excluding the areas identified within **Divisions 11 and 12**, is not to exceed, in the case of—
  - (i) a mayoral candidate in a local government election, 20 devices in each electoral division; and
  - (ii) a candidate (other than a mayoral candidate) in a local government election, 20 devices in the electoral division for which they have nominated; and
  - (iii) a candidate in a Federal or State government election, 40 devices in the Sunshine Coast local government area.
- (b) The total number of election advertising devices that may be exhibited in **the areas defined within Divisions 11 and 12** is not to exceed, in the case of—
  - (i) a mayoral candidate in a local government election, 2 devices in each electoral division; and
  - (ii) a candidate (other than a mayoral candidate) in a local government election, 2 devices in the electoral division for which they have nominated; and
  - (iii) a candidate in a Federal or State government election, 2 devices in the Sunshine Coast local government area.
- (c) For the purpose of determining the number of election advertising devices—
  - (i) an election advertising device included on an advertising device approved under a planning scheme is to be included in the calculation of the total number of election advertising devices;
  - (ii) an election advertising device relating to more than one candidate for a government election is to be considered to be an election advertising device for each candidate.
- (d) The content of an election advertising device is to be limited to the following—
  - (i) the name of the candidate;
  - (ii) one or more photographs or pictures of the candidate;
  - (iii) a slogan or message of the candidate;
  - (iv) text and a logo that identifies the political party, and division or electorate, of the candidate;
  - (v) the contact details for the candidate or authorised representative.
- (e) An election advertising device is to display the name and address of both the applicant and the printer of the device, along with a telephone number of the applicant.
- (f) An election advertising device is not to contain third party advertising sponsorship details.
- (g) An election advertising device is not to be illuminated or animated.
- (h) An election advertising device may contain content on both sides of the advertising device.
- (i) An election advertising device is not to be installed—
  - (i) on a structure (other than a fence or a post) on the site; or
  - (ii) on or in a road or a local government controlled area.

- (j) An election advertising device can be erected on private property with the prior approval of the property owner.
- (k) An election advertising device is to be kept in good order and repair.
- (l) An election advertising device is not to be exhibited so as to cause a nuisance under *Local Law No. 3 (Community Health and Environmental Management) 2011*.
- (m) An election advertising device is to be positioned on the site so as to not result in a loss of amenity in the neighbourhood, constitute a risk to road safety or impose a threat to pedestrians (i.e abutting a fence such that space between the fence is non-accessible by person).
- (n) An election advertising device is not to exceed an area of 1.5m<sup>2</sup>.
- (o) An election advertising device is not to be erected prior to twenty-eight (28) days before the day of the government election.
- (p) An election advertising device is to be removed within seven (7) days after the day of the government election.

## DEFINITIONS

- (1) In this policy—

**Council** means the Sunshine Coast Regional Council.

**election advertising device** means a sign or poster that is able, or is intended, to—

- (a) influence a person about voting at any government election; or
- (b) affect the result of any government election.

**installation** includes in relation to an election advertising device the painting, writing, drawing, depiction, making, erection, affixing, putting up of an election advertising device.

**government election** means an election for a local, State or Commonwealth government.

**local government controlled area:**

- (a) means land, facilities and other infrastructure owned, held in trust or otherwise controlled by the local government, other than a road.

*Examples of local government controlled areas—*

- Parks, reserves and gazetted foreshores
- Camping grounds or caravan parks on land owned or controlled by the local government
- Local government swimming pools
- Cemeteries
- Council Chambers and local government offices
- Jetties

- (b) includes part of a local government controlled area.

**private place** means premises which is not a public place.

**public place** means a place, or that part of a place, that—

- (a) is open to the public; or
- (b) is used by the public; or
- (c) the public is entitled to use;

whether or not on payment of money.

*Example—*

A person uses a room at the front of their home as a business office. While the business office is open to the public it is a public place. However, the home is private property and not part of the public place.

**road:**

- (a) means an area of land that is dedicated to public use as a road; or
  - (b) means an area of land that –
    - (i) is developed for, or has as one of its main uses, the driving or riding of motor vehicles; and
    - (ii) is open to, or used by the public; or
  - (c) means a footpath or bicycle path; or
  - (d) means a bridge, culvert, ford, tunnel or viaduct.
  - (e) means a State-controlled road –
    - (i) prescribed under a subordinate local law for this subparagraph as a road to which a stated local law applies unless otherwise provided; and
    - (ii) in respect of which the chief executive has given written agreement under the TORUM Act, section 66(5)(b).
  - (f) does not include a public thoroughfare easement.
- (2) Words not defined in this policy have the meaning given in *Local Law No. 1 (Administration) 2011, Schedule 1 (Dictionary)*.

**RELATED POLICIES AND LEGISLATION**

The following legislation is relevant to the application of this policy.

**Legislation:****Local Government**

- *Local Law No. 1 (Administration) 2011*
- *Subordinate Local Law No. 1 (Administration) 2011*

**State Government**

- *Local Government Act 2009*
- *Electoral Act 1992*
- *Local Government Electoral Act 2011*

**Commonwealth Government**

- *Commonwealth Electoral Act 1918*

**Other documentation:**

- Memorandum of Understanding between Sunshine Coast Regional Council and Department of Transport and Main Roads

**Version control:**

Version	Reason/ Trigger	Change (Y/N)	Endorsed/ Reviewed by	Date
1.0	Eg. Create new			DD/MM/YYYY
	Eg. Review			