

# Council Policy

## Promotional Street Banners on Gilmore Avenue



Legislation/local law requirements	<i>Local Government Act 1995 s2.7 – The Role of Council Main Roads Act 1930 s33B and 33C Transport Coordination Act 1966 s27.</i>
Relevant Delegation	1.1.2
Related policy procedures and documents	

### **Purpose**

To provide governance around allowing external organisations to hire the banner poles along Gilmore Avenue to display their own promotional messages and ensure availability for and consistency with any banners the City may choose to display.

### **Scope**

This Policy refers only to existing banner poles located along Gilmore Avenue, Kwinana for the purpose of flying promotional street banners (street banners).

# Policy Provisions

## Definitions

**Street Banners (Banners):** refer to the flag type material, which is attached to external poles along the verge on Gilmore Avenue in Kwinana to display promotional messages.

**Banner Poles:** refer to the structures along Gilmore Avenue in Kwinana that the street banners are fixed to.

## Policy Statement

### 1.1. General conditions

- 1.1.1 All applications for the hiring of the banner poles for the purpose of flying street banners will be assessed against the criteria within this Policy with due consideration of Main Roads Western Australia's 'Roadside Advertising Guidelines' and any other relevant local factors and appropriate conditions of approval that may be imposed.
- 1.1.2 Any hire of the banner poles will be done through a formal written agreement between the applicant and the City of Kwinana.

### 1.2. Banner poles available for hire

- 1.2.1 Of the 104 banner poles located on Gilmore Avenue, Kwinana, the available banner pole locations, and quantity of banner poles available for hire at any particular time will be at the discretion of the City.
- 1.2.2 There is no guarantee that a particular banner pole will be available for hire and the City reserves the right to refuse an application should the City require the banner pole for other purposes.

### 1.3. Booking of banner poles

- 1.3.1 An application for the hire of a banner pole on Gilmore Avenue must be submitted on the application form available from the City, at least eight weeks prior to the requested installation date.
- 1.3.2 Applications will be assessed on a 'first booked' basis.
- 1.3.3 If a banner pole at a particular time or location for a booking is unavailable, the applicant will be advised by the City in writing.

#### 1.4. Period of hire

- 1.4.1 The initial minimum period of hire is three calendar months.
- 1.4.2 Prior to the expiration of the initial or other hire period, an applicant may request an extension for a further period of either:
- Month by month
  - 3 monthly,
  - 6 monthly, or
  - 12 monthly,
- with the relevant fees and charges listed in the City's Schedule of Fees and Charges.
- 1.4.3 The period of hire will not exceed more than one (1) year per agreement. The City may enter into another agreement for a further 12 months.
- 1.4.4 Upon expiration of the period of hire, any request for extension must be in the form of a new application.
- 1.4.5 The period of hire will commence from the first day after installation takes place.

#### 1.5. Specifications, installation, and maintenance of banners

- 1.5.1 The manufacture, installation, maintenance and removal of banners and associated fittings are to be undertaken by the applicant.
- 1.5.2 The applicant is to supply all fittings with which to attach the street banners to the banner poles. Banner poles are to be fitted with appropriate attachment rings only.
- 1.5.3 Banners must be constructed to meet Australian Standards, including but not limited to UV radiation resistance, meet the minimum wind load for Wind Region A, Terrain Level 2, and be designed based on importance level 1 as prescribed in Australian Standard AS 1170.2- 1989 - Minimum design loads on structures – Wind Loads.
- 1.5.4 Banners to be supplied and installed by a suitably qualified person.
- 1.5.5 The applicant must ensure appropriate traffic management is in place during street banner installation, removal, or maintenance work, to the satisfaction of the City.

#### 1.6. Design and messages

- 1.6.1 Approval of a street banner design is at the discretion of the City and designs may be refused for any reason deemed relevant by the City.
- 1.6.2 Street banner content must be of a theme that is consistent with the amenity, location, environment, events, or strategies supported by the

## 1.7. City of Kwinana.

1.7.1 The City will not approve any signage or advertising which, in its opinion is:

- Political advertising, religiously offensive, pornographic in nature, or that in any other way is likely to be considered offensive to any person or class of persons;
- Promotes smoking, or tobacco products;
- Promotes alcohol or the consumption of alcohol;
- Could be mistaken for a traffic sign or that constitutes a traffic hazard; or
- That is, or the content of which is false, deceptive, or misleading.

## 1.8. Removal of banners

1.8.1 The City reserves the right to have any street banners removed at the applicant's expense, which do not meet the requirements of this Policy, the hire agreement, or any other Policy or written law.

1.8.2 Street banners which are in contravention of clause 1.6.1 may be dealt with in accordance with sections 3.39 and 3.46 of the *Local Government Act 1995* which includes removing and impounding any goods that are involved in a contravention and requiring the costs of removing, impounding, and keeping them being paid to the local government prior to collection.

## 1.9. Fees and charges

1.9.1 Fees and charges for the hire of banner poles are set out in the City's adopted Schedule of Fees and Charges and reviewed annually.

1.9.2 The minimum initial period of hire is three months.

1.9.3 The fee is for the hire of advertising space upon a banner pole only. The costs for the manufacture, installation, maintenance, and removal of street banners is to be borne by the applicant.

1.9.4 Fees must be paid in full prior to the commencement of any period of hire.

1.9.5 Where the City approves use by a not-for-profit or community group or where it is deemed the use is primarily for a social or community benefit as opposed to a commercial one, any fees and charges or other costs associated with the banner pole hire may be waived. Any additional request for funding is to be in accordance with Council's Policy – Community Funding. The costs for the manufacture, installation, maintenance, and removal of the street banners still apply.

1.9.6 For applications approved under clause 1.9.4, the applicant will remain responsible for all other requirements of this Policy, including the construction, installation, maintenance, and removal of the street banner for the period of hire of the banner pole and will be required to enter into an agreement with the City of Kwinana in accordance with clause 1.1.2.

#### 1.10. Administration and maintenance

- 1.10.1 The applicant will be responsible for maintenance of the street banner and associated fittings that connect the street banner to the banner pole.
- 1.10.2 The City will be responsible for the maintenance of banner poles, however, any damage that is caused to the banner poles by the hirer, or hirer's representative, will be the responsibility of the hirer. The City may require the hirer to pay for any damage caused to a banner pole by any actions as a result of the hirer or the hirer's representative's actions.
- 1.10.3 In the event that a street banner or associated fittings are damaged or displaced, the applicant is to commence restoration efforts as soon as practicable or in any case, within five business days.
- 1.10.4 In the event that a street banner and associated fittings are damaged or displaced and the City becomes aware before the applicant, the City will notify the applicant of the damage or displacement and the applicant will have five business days to commence restoration.
- 1.10.5 Street banners and associated fittings are to be in good condition at all times and any that are torn, ripped, defaced, worn out or otherwise in disrepair are to be replaced or repaired in accordance with clause 1.9.3.
- 1.10.6 At no time is a street banner in contravention of clause 1.9.3 to remain in-situ for longer than 14 days. If repairs are not able to be effected within this time period then it is to be removed until such time as it is repaired or replaced.
- 1.10.7 The City accepts no liability, direct or otherwise, for losses incurred during any period in which a street banner has become damaged or has been displaced, through no fault of the City.
- 1.10.8 At the expiration of an agreement with the City, the applicant is required to remove the street banner within 14 days. In the event this does not occur, the City may arrange for the removal of the street banner and if so, will invoice the applicant for the costs incurred by the City for the removal of the banner(s).

#### 1.11. Other advertising and signs

All other advertising and signs that are not specified in this Policy are subject to the requirements of the City's local planning scheme, local laws and other Policies.

#### **OFFICER USE ONLY**

Officers may amend this section without council approval.

Responsible Team	Marketing and Communication
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