

Name of policy:	Election Candidate Campaign Signage		
Adoption by Council:	8 February 2023	Minute number:	18/2023
Last review date:	February 2023		
Review timeframe:	Two years		
Next scheduled review date:	February 2025		
Related legislation:	<i>Environmental Planning and Assessment Act 1979.</i> <i>Electoral Act 2017</i> <i>Roads Act 1993</i>		
Associated policies/documents:	State Environment Planning Policy (Exempt and Complying Development Codes) 2008		
Responsible division:	Corporate Services Infrastructure and Engineering Services		

Policy objective

The purpose of this Election Candidate Campaign Signage policy is to assist candidates in fulfilling their obligations when placing/erecting election signs throughout the MidCoast Council local government area.

Policy statement

Election signs (including a poster, banner, placard and other similar material) are any advertising device identifying candidates promoting themselves and/or a political party at local, state or federal government elections. The display of election posters/signage constitutes development for the purposes of the *Environmental Planning and Assessment Act 1979*.

Subdivision 13 (Election signs) of Division 2 of Part 2 of the State Environmental Planning Policy (Exempt and complying development Codes) 2008 provides that the display of election posters is an exempt development, subject to conditions, during the period commencing 5 weeks before and ending 1 week after the election day concerned, provided the signage complies with NSW Electoral Commission regulations.

The Electoral Act 2017 (section 184) requires that advertising material, including signs and posters, cannot be displayed on or within land or buildings occupied, used by, or under the control or management of the Crown, NSW Government agencies, or a Council. Additionally, advertising on private land or buildings can only be undertaken with the written consent of the owner, or the property is owned or jointly owned by the candidate.

Coverage of the policy

This policy applies to candidates for all Federal, State and Local Government elections and their authorised representatives.

Strategic Plan link

Community Outcome 4:

Strong leadership and good governance

<i>4.4 We encourage community and civic leadership</i>	<i>4.4.1 Inform, educate and empower community groups and leaders to respond and adapt to challenges and change</i>
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Policy content

Election signage does not require a development consent if it complies with development standards contained in the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. In addition, all of the criteria in the table below are to be met.

Candidates may submit a development application for signage that does not comply with the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

1. General Signage Rules

Safety	Must not endanger public safety.
Area	Must not exceed 0.8m ² .
Height	No portion of the sign may be more than 3m above existing ground level.
Indemnification	The person who authorises placement of a sign pursuant to this general consent agrees to indemnify MidCoast Council against any personal injury or property damage or other loss incurred by Council and against any third party claims arising out of or consequent upon the erection, removal or display of signs.
A-Frame signs	A-frame signs are only permitted when accompanied by a candidate or representative for a candidate. A-frame signs must not be left unaccompanied and must not obstruct vehicular or pedestrian thoroughfares.

Not painted or drawn	The electoral material shall not be painted or drawn on any structure within the road.
Movement	Must not rotate or move.
Illumination	Must not be illuminated.
Electronic Image	Electronic visual images are not to be projected onto any element of the road or road reserve.
Variable Message Signs (VMS)	The primary purpose of VMS is to communicate information about traffic and road conditions. VMS must not be used for advertising (community or commercially based) within the classified road reserve. VMS advertisements are treated as development without consent and may attract penalties.

Signage must:

- be fastened securely to suitably durable supporting frame so that they cannot become detached in high winds and endanger safety;
- be in good repair and condition at all times
- be removed within seven (7) days of the election. Failure to do so may result in removal by Council at a cost to the candidate or a fine may be issued
- be limited to one sign per candidate or party on each private fence, including those adjoining Council land.
- be compliant or it may
 - be removed
 - an infringement issued
 - a notice of non compliance be attached

2. Election Advertising on private land

Election advertising containing electoral matter by or on behalf of a candidate or party in relation to the election may be erected on private land without the need for approval, provided the sign complies with the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Criteria	Requirement
Number of signs	Not to exceed one (1) on any property used solely for residential purposes.
Owners Consent	Must have consent from Owner.

Timing	Be displayed only during the following periods: • 8 weeks immediately preceding the day on which the election is held • the day on which the election is held • 1 week immediately following the day on which the election is held.
Heritage	If the site contains a heritage item or a draft heritage item, the sign/s cannot be attached to the building.
Ventilation	Must not cover ventilation inlets or outlets.
Restricted Premises	Must not be on premises that restrict access to people over 18 years, but not including a pub or hotel.

3. Election Advertising on Public Roads

MidCoast Council gives a general consent on its initiative under s.139(1)(a), 139(1)(b) and 139(1)(d) of the Roads Act 1993, for the erecting of election advertising containing electoral matters, subject to the following conditions:

Criteria	Condition
Road Type	Only applies to local or locally managed roads. Does not apply to freeways or classified roads.
Road Surface	Must not be located on or above the road surface, including being affixed to a vehicle, trailer or the like on the road.
Median Strips	Must not be erected on a dividing strip (median strips traffic islands, roundabouts).
Intersections	Must not be erected within 6 metres of an intersection or junction, or in any other location that may pose a hazard to pedestrians or road users.
Footpath Traffic	Must not unreasonably prevent or restrict pedestrian traffic within road reserves.
Traffic Obstruction	Must not obstruct or be attached to a traffic sign.
Road Infrastructure	Must not be affixed to infrastructure within a road (e.g. power poles) without the consent of the owner of the infrastructure. Must be at least 2m from any overhead wires.
Crown Land Roads	Must not be located on a Crown Land road

4. Rules For Public Property & Premises

Criteria	Condition
Parks and Reserves	A person must not erect signage in Council managed parks and reserves.
Tree	A person must not erect signage affixed or placed on a tree.
Railway Land	A person must not erect signage that is located on or forward of railway land and structures including pedestrian crossings, bridges, platforms, concourses, railway infrastructure buildings and fences adjacent to railway lines.
Council Land & Premises	A person must not display or cause to be displayed a poster on or within any premises under the control of MidCoast Council. Premises includes any structure, building, vehicle, vessel or any place, whether built on or not, and any part of it. This includes roads, footpaths and parks.

5. Election Advertising at Polling Places

The information below has been taken from the Elections Act and the State Environment Planning Policy (Exempt and Complying Development Codes) and is to be used as a guide only.

Election Act 2017

<https://www.legislation.nsw.gov.au/#/view/act/2017/66/part7/div14/subDiv3/sec184>

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

<https://www.legislation.nsw.gov.au/#/view/EPI/2008/572/part2/div2/subDiv13><https://www.legislation.nsw.gov.au/#/view/EPI/2008/572/part2/div2/subDiv13>

5.1 Where Election Advertising Cannot be Located – Any Polling Place

On election day and on any other day when pre-poll voting is being conducted, election advertising of any size must not be located:

- Within the walls of a building where voting is taking place
- Within 6m of an entrance to a building where voting is taking place
- On the exterior of a building that is being used for voting.

5.2 Where Election Advertising can be Located – Polling Places that are Schools

Notwithstanding sections 2 and 3 of this policy, during the election polling period and day, election advertising may be displayed in the following areas:

- On the outer wall, fence or other boundary of the grounds of an enclosure in which a building used for polling is situated.
- On a vehicle on a road or road related area adjacent to an enclosure in which a building used for polling is situated, subject to compliance with road rules.

Further, on election day until 7:00pm, election advertising may be displayed in the following areas:

- Within the grounds of an enclosure in which a building used for polling is situated, subject to 5.1 above
- Fixed or attached to a table or stall, subject to 5.1 above and provided the table or stall providing it does not endanger public safety.

5.3 Where Election Advertising can be Located – Polling Places that are Council Owned land & land occupied by Scout or Girl Guide Groups

Notwithstanding sections 2 and 3 of this policy, during the election polling period and day, election advertising may be displayed:

- On the outer wall, fence or other boundary of the grounds of an enclosure in which a building used for polling is situated
- On a vehicle on a road or road related area adjacent to an enclosure in which a building used for polling is situated, subject to compliance with road rules
- Within the grounds of an enclosure in which a building used for polling is situated, subject to 5.1 above

Further, on election day until 7:00pm, election advertising may be displayed in the following areas:

- Fixed or attached to a table or stall, subject to 5.1 above and provided the table or stall does not endanger public safety.

6. Non-Compliance with Policy

Noncompliance with this policy may result in Council staff directing the Candidate to remove the election signage (at their cost) and/or the impounding of signs.

Where signage breaches Guidelines, an Act or Regulation, penalties may apply.

7. Election Posters

The Electoral Act 2017 (s184) regulates the display of posters. Penalties including monetary fines and/or imprisonment apply, for displays contravening this Act.

Responsible Officer

Manager Governance