

by the Commissioner. In addition, the Commissioner may vary or revoke any delegation given by him to a Local Government.

3.3 Main Roads (Control of Advertisements) Regulations 1996

3.3.1 Approvals

Regulation 4 states that the Regulations do not apply to certain types of signs. These include small signs beyond the boundary of a road which indicate:

- the premises are for sale or for letting; and/or
- the name or name and business of the occupier of the premises.

The regulations also do not apply to a sign inside a building if the sign is not lit nor directed primarily at persons travelling in or on vehicles.

Regulation 5 of these regulations require the Commissioner of Main Roads' written approval for a person to:

- (a) erect or construct, or cause to be erected or constructed a hoarding or other advertising structure, and
- (b) exhibit, or cause to be exhibited an advertisement,

on or in the vicinity of a highway or main road.

Regulation 7 states that the Commissioner's approval for a hoarding, advertising structure or advertisement may be given on any condition set out in the notification of approval.

Regulation 7 further provides that the Commissioner is not to give approval unless the Commissioner is satisfied that:

- (a) the Local Government has approved the application under the Local Government Act 1995 and the Town Planning and Development Act 1928, and
- (b) each condition imposed by the Local Government under the above Acts is consistent with an approval under these regulations.

Regulation 8 provides specific information on the appeals procedure.

Regulation 10 states that the Commissioner may revoke an approval if the hoarding, structure or advertisement:

3.3.2 Approval Criteria

This guide provides both the general and specific permission criteria upon which applications for approval are to be assessed to ensure that the proposed advertising device conforms with the intent of the Main Roads Act and these Regulations.

3.3.3 Removal of Illegal Advertising Devices

Regulation 11 provides for the Commissioner of Main Roads to direct that an advertising device be removed or transferred to another site if the device:

- has not been approved;
- does not comply with a condition of approval;
- is hazardous to traffic safety; and
- is aesthetically objectionable.

Regulation 12 allows the Commissioner or any authorised person to enter land and modify, obscure, remove or reposition an advertising device that does not comply with the regulations.

Regulation 13 states that the owner of the advertising device is responsible for the cost of removal or modification of an advertising device.

Regulation 14 allows the Commissioner to dispose of any advertising device removed under Regulation 12. Where the device is disposed of by way of sale the Commissioner is to firstly apply any proceeds of sale towards the cost of removal of the device; secondly towards payment of any penalty and thirdly any balance to be paid to the person proving an entitlement to the balance.

Photographs of Typical Signage





Broome Newspaper Article

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Protest signs provoke controversy in Broome

Updated Fri Sep 30, 2011 3:26pm AEST

The Shire of Broome in Western Australia's Kimberley region has come under fire over its response to the erection of anti-gas hub signs on residential properties around the town.

Banners condemning the State Government's plan to build a 25 square kilometre LNG precinct just north of the town have been hung from porches, wheelie bins and boab trees in recent months.

The shire says, even though the banners are on private property, they breach local laws.

In a notice in a local newspaper, the shire warned it would be "writing to the owners of those properties which have erected signs without the required approvals, advising them that these are not permitted and requesting that they be removed".

Chris Maher, who is running for local council on an anti-gas platform, has accused the shire of being heavy-handed.

"I think, when it comes to a sign about an individual's passion, placed on an individual's home, then that's a fairly rigid interpretation of the laws which I don't think has been invoked before," Mr Maher said.

"I think people have an absolute and profound right to express their views about something that's happening in their community."

The shire insists it is simply enforcing local laws and all illegal signs, whether they are to do with football teams or the gas hub, are dealt with in the same manner.

Shire President Graeme Campbell says, at the end of the day, the shire has other priorities than prosecuting home-owners for displaying brightly coloured banners.

"These (the signs), under the strict letter of the law, are illegal," he said.

"I'd respectfully suggest that common sense should prevail on this issue."

"If you look at resourcing of this council, do we have the resources to actually do something about it? We could. We could divert money from what are probably more important issues."

Topics:local-government, regional, oil-and-gas, state-parliament, activism-and-lobbying, broome-6725

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