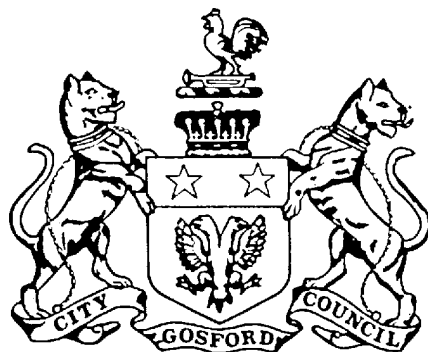




# ADVERTISING ON OPEN SPACE AREAS



## **ADVERTISING ON OPEN SPACE AREAS**

### COMMUNITY GROWTH - CULTURE

#### **POLICY OBJECTIVES**

The intention of this policy is to provide formal guidelines for advertising on open space areas in the Gosford City area to protect the quality of open space areas and the amenity of adjoining areas by minimising the visual impact of signage.

The purpose of this policy is to achieve eight (8) desired outcomes for the management of advertising on Council owned and managed open space areas. Council's objectives for this Policy are as follows:

1. To regulate advertising on open space areas.
2. To protect the visual amenity of open space areas and adjoining lands.
3. To manage risk and minimise impacts on the community and environment associated with the use of advertising signage.
4. To protect access to open space areas by the community.
5. To ensure the public recreational and environmental values of open space areas are retained.
6. To provide opportunities for Council, community and sporting groups to access sponsorship funding for the maintenance and embellishment of open space areas and associated facilities.
7. To be consistent with the current local planning instrument
8. To be consistent with Council's Plans of Management for various open space areas

#### **POLICY STATEMENT**

Council will permit advertising on open space areas owned and managed by Council subject to terms and conditions as determined by Council.

Advertising on open space areas must be of a temporary nature, ancillary to the purpose of the reserve and for a community benefit or purpose. Council will consider advertising on open space areas associated with special events and sponsorship of activities undertaken by Council, sporting and community organisations. Council will also consider the placement of an acknowledgment for a benefactor of an open space area.

This policy has been prepared in accordance with the *Local Government Act 1993*, *Local Government (General) Regulation 2005*, *Crown Lands Act 1989* and *Crown Lands Regulation 2006*.

This policy does not override any other Council requirements relating to advertising including Council's LEPs, Development Control Plans (DCP), State Environmental Planning Policies (SEPPs) or provisions of the *Local Government Act 1993* or *Crown Lands Act 1989*.

## **LAND TO WHICH THIS POLICY APPLIES**

For the purposes of this policy, 'Open Space Areas' are defined as community land or Crown Reserves under the care, control and management of Council or where Council has been appointed Reserve Trust Manager, used for structured or casual recreational activities.

## **ACKNOWLEDGMENT OF BENEFACTORS**

The Council may permit the placement of an acknowledgment of a park benefactor. The plaque to be no greater than A4 in size.

## **STATUTORY CONSIDERATIONS**

This policy shall not derogate from Council's responsibility to comply with any competent statutory obligation.

Where this Policy conflicts with any competent statutory obligation, the statutory obligation shall prevail to the extent of any such conflict.

"Statutory Obligation" means any mandatory obligation (statutory duty) imposed upon Council by any competent Act, Regulation, Ordinance, Rule or Instrument enacted by the Parliament of New South Wales or, to the extent that it is relevant, by the Parliament of the Commonwealth of Australia.

## **ACTIVITIES WHICH ARE NOT GOVERNED BY THIS POLICY**

- Advertising associated with the management of Grahame Park
- Advertising associated with the management of Gosford Olympic Pool
- Advertising associated with the management of Peninsula Leisure Centre
- Advertising on buildings subject to a lease arrangement
- Banner stands managed by Council's Customer Service Unit

## **PROHIBITED ACTIVITIES**

- Advertising that is commercial in nature and is not associated with special events or Council, sporting or community group sponsorship
- Advertising signage that is of a permanent nature
- Advertising that contravenes the current local planning instrument
- Advertising that contravenes any relevant Plan of Management

## **PROCEDURE**

The Procedure (attached), being an administrative process, may be altered as necessary by the Chief Executive Officer.

(Min No 2013/388 - 16 July 2013 - Review of Policies)

## **ATTACHMENT - PROCEDURE**

### **ADVERTISING ON OPEN SPACE AREAS**

#### **1. General Conditions**

- 1.1. Advertising is not permitted on open space areas or associated facilities unless authorised by Council's Culture Business Unit.
- 1.2. Advertising on open space areas may only be in the form of temporary signage.
- 1.3. Applicants must advise Council in writing of their request to erect temporary signage on Council's open space areas. The written application is to include details of the proposed signage including:
  - Design specifications including size, material, method of securing signage
  - Proposed dates of temporary signage
  - Proposed location of signage
  - Purpose of signage
  - Certificate of Currency for Public Liability Insurance with minimum cover of \$20 million
  - Designated contact
- 1.4. Temporary signage is not to be placed where it could restrict access or be an obstruction or hazard to the public utilising the open space area.
- 1.5. Responsibility for the erection, maintenance and removal of approved signage is that of the applicant.
- 1.6. Any attention getting devices such as streamers, flags, pennants, inflatable animals or characters, flashing or rotating signs or lights are not permitted.
- 1.7. Any damage caused to open space areas and/or associated facilities during erection, installation or removal of the temporary signage is to be borne by the applicant.
- 1.8. All temporary signage is to be maintained to a reasonable standard. Any signs found to be damaged or in a poorly maintained state will be required to be repaired or removed by the applicant.
- 1.9. Temporary signage is not to be attached to vegetation or impact on the natural environment in any way.
- 1.10. A-frame signage is not permitted with the exception of community safety signs.
- 1.11. All temporary banner signage must be attached to either an approved building or approved fence, and be at three (3) metres back from the property line. Signage is not to be affixed to utility poles or other signage or other such supports not specifically intended as sign structures. Council may consider the attachment of sporting sponsorship signage to structures such as grandstands, scoreboards and the like at the discretion of the Manager Culture.
- 1.12. All temporary signage must be secured and inspected regularly by the applicant.
- 1.13. The applicant is responsible for dismantling temporary signage in adverse weather conditions should they pose a danger to the public.

- 1.14. Temporary signage may only be erected for the duration of the activity or event and must be removed at the conclusion of the activity or the event. The maximum period of display for signage will be determined by Manager Culture.
- 1.15. Sponsorship signage of Council's Lifeguard Service is permitted at beach locations. The maximum period of display for signage will be determined by Manager Culture.
- 1.16. Vehicular advertising on open space areas will not be considered with the exception of sponsorship signage at beach areas.
- 1.17. Sponsorship signage for sporting groups may be considered on a seasonal basis at the discretion of the Manager Culture.
- 1.18. Signs of a seasonal nature that have been vandalised should be repaired or replaced by the applicant at full cost within four (4) weeks of the damage being inflicted. If the sign presents a hazard to the public it is to be removed immediately.
- 1.19. Council or Council's contractors will not be responsible for repairs to or replacement of temporary signs as a result of objects thrown from mowers, slashers or other equipment during maintenance work or necessary improvement works adjacent to the signs.
- 1.20. No tobacco or alcohol companies are to be represented on sportsground sponsorship signage nor material that is considered offensive by the Manager Culture.
- 1.21. Council will consider requests for the naming rights of a facility, building etc for a fee as determined by the Manager Culture.
- 1.22. All requests for naming rights of a Council managed facility are to be made in writing to Council's Chief Executive Officer.

### **Specifications**

- Temporary signage on open space areas may include the following designs:
    - Banners
    - Free standing signs such as Feathers or Tear Drop Signs
    - Affixed metal signs (sportsgrounds and lifeguard towers only)
    - Plaques denoting benefactors of open space land or associated features.
- 1.23. Banner signs are not to be larger than five (5) metres squared and feather/tear drop signs are not to be larger than 2.4 metres squared and are to accommodate wind loading for the area. Dimensions of metal signs will be at the discretion of the Manager Culture upon application.
    - Plaques are to be no greater than 210 x 297 mm in size and provide benefactor details only.
    - Temporary signage is not to be manufactured from reflective material which could present a hazard to drivers of vehicles or otherwise.

## **2. Amenity**

- 2.1. The erection of temporary signage is to have minimal impact on the amenity of the area.
- 2.2. Signs are oriented towards persons using the open space area and not toward the public roads, other reserves or private property and will not be permitted where they present a major impact.

## **3. Insurance**

- 3.1. The applicant must take out public liability insurance cover for a minimum sum of twenty million dollars (\$20,000,000) that covers the proposed temporary signage in open space areas. Applicants are to provide a current Public Liability Policy with the request to Council to erect temporary signage.
- 3.2. Assets: - Council and the Minister administering the Crown Lands Act 1989 will not be responsible for any temporary signage. The policy must note Council and the Minister administering the Crown Lands Act 1989 as interested parties of the site for the date(s) of use and contain a cross liability clause, or contain a general condition that temporary signage is specifically covered by the policy.

Indemnity: - The applicant agrees to indemnify, protect, defend and hold harmless the Council of the City of Gosford and the Minister administering the Crown Lands Act 1989 from and against any and all claims, demands, actions and proceedings whatsoever in relation to personal injury or property damage caused by or occasioned during the installation of temporary signage on the open space area and shall indemnify the Council for any and all fees, costs and expenses incurred in respect thereof.