



NORTHERN MIDLANDS COUNCIL

POLICY MANUAL

NON-CONFORMING SIGNS

- Originated Date:** Adopted 8 April 1999 – Min. No 155/99 (as Policy 11)
- Amended Date/s:** Amended 10 December 2012 – Min. No. 356/12
Amended 20 March 2017 – Min. No. 95/17
- Applicable Legislation:** Sections 48, 48A, 51 and 64 Division 4 of the *Land Use Planning and Approvals Act 1993*
- Objective** To bring non-conforming signs into conformity with the Planning Scheme
- Administration:** Community and Development
- Review Cycle/Date:** Next review 2021.

DEFINITIONS

- Act* means the Land Use Planning & Approvals Act 1993,
Planning Scheme means the Northern Midlands Planning Scheme in effect at the time

The Development Services Department shall be guided by the following procedures:

1. SIGNS THAT ARE PROHIBITED UNDER THE PLANNING SCHEME

- Step 1 Serve a Notice of Intention to Issue Enforcement Notice on the owner(s) of the property giving 14 days to respond in accordance with s. 65B (3) of the Act. Advise that it is also intended to issue an Infringement Notice (fine) and specify the current penalty amount.
- Step 2 Serve an Enforcement Notice requiring the sign to be removed within 7 days. Serve an Infringement Notice.
- Step 3 Refer the matter to the Council's Solicitor.
- Step 4 Council's Solicitor to seek a court order. If successful, then apply for costs.

2. SIGNS THAT REQUIRE A PERMIT UNDER THE PLANNING SCHEME

STANDARD OPERATING PROCEDURE – REMOVAL OF ILLEGAL SIGNS

Where the new erection or display of a sign comes to the attention of Council or its staff, it shall be reported to the person dealing with Planning compliance, currently the Planning & Compliance Officer, who shall confirm its status as exempt, requiring a permit or prohibited. The following process shall then apply.

Signs on Council property, erected without the permission of the General Manager, will be removed immediately.

A - Exempt

- Step 1 Planning & Compliance Officer to advise the complainant if applicable (Signs Notice 1)
- Step 2 No further action required

B - Permit required and issued:

- Step 1 Planning & Compliance Officer to advise the complainant if applicable (Signs Notice 2)
- Step 2 No further action required

C - Permit required and not issued:

- Step 1 Planning & Compliance Officer to advise the complainant if applicable (Signs Notice 3)
- Step 2 Serve notice to property owner (and sign owner if known) to remove the sign within 14 days (Signs Notice 4); or



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- Step 3 Send email – remove and don't display again. If displayed again will be removed.
- Step 4 Advise that planning approval may be sought and supply an application form
- Step 5 If the sign is removed within 14 days, no further action is required
- Step 6 If the sign is not removed within 14 days, but a permit is applied for follow normal planning permit application process.
- Step 7 If the sign is not removed within 14 days and a permit is not applied for and it is not practicable to remove the sign:
- 7.1 Refer the matter to Council's solicitor to commence proceedings (Signs Notice 5); and
 - 7.2 Advise the property owner (and sign owner if known) (Signs Notice 6)
- Step 8 If the sign is not removed within 14 days and a permit is not applied for and it is practicable to remove it:
- 8.1 The sign shall be removed by not less than two (2) Council staff (normally the Senior Planner and Planning & Compliance Officer); and
 - 8.2 The sign shall be stored at the Council Office or depot; and
 - 8.3 Advise the property owner (and sign owner if known) that the sign has been removed and may be collected on payment of costs – include demand for costs (Signs Notice 7)
- Step 9 If the costs have not been paid within two (2) months:
- 9.1 Refer to normal debt collection procedure; and
 - 9.2 Dispose of sign, by sale if practicable
- Step 10 If costs are paid within two (2) months, the owner may collect the sign
- Step 11 If the sign is not collected within two (2) months of service of Notice 7, it shall be disposed of, by sale if practicable.