

LOCAL GOVERNMENT ACT 1995

SHIRE OF MUNDARING

SIGNS LOCAL LAW 2009

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Mundaring resolved on 27 January 2010 to make the following local law.

Part 1 – Definition and operation

1.1 Citation

This local law may be cited as the *Shire of Mundaring Signs Local Law 2009*.

1.2 Application

This local law shall apply throughout the district.

1.3 Commencement

This local law will come into operation on the fourteenth day after the day on which it is published in the *Government Gazette*.

1.4 Repeal

The *Shire of Mundaring Signs Local Law 1996* published in the *Government Gazette* on 16 August 1999 is repealed on the day this local law comes into operation.

1.5 Interpretation

In this local law, unless the context otherwise requires:

“**Act**” means the *Local Government Act 1995*;

“**advertisement**” means any word, letter, number, symbol, figure, drawing, image, aural message or other representation whatsoever is written, placed, affixed, attached, painted, projected, electronically produced or otherwise displayed for the purpose of giving any message or direction or promoting or publicizing any business, project, enterprise, development, undertaking, or any function or event, or any person, body or group, or any product or article, or other thing whatsoever and the term “advertising” has a corresponding meaning;

“**advertising device**” means any object or structure on which any word, letter, number, symbol, figure, drawing, image or other representation whatsoever is written, placed, affixed, attached, painted, projected, electronically produced or otherwise displayed for the purpose of giving any message or direction or promoting or publicizing any business, project, enterprise, development, undertaking, or any function or event, or any

person, body or group, or any product or article, or other thing whatsoever, and includes bunting, plastic flags or similar, an airborne device anchored to any land, building or other thing whatsoever and also includes any vehicle or trailer and a sandwich board or similar thing carried by a person or other similar object placed or located so as to serve the purpose hereinbefore referred to;

"animation" means the incorporation of movement on, in or associated with a sign or advertising device including but not limited to illumination, rotation, flapping and any mechanical or electrical device;

"audio sign" means a sign, hoarding or billboard erected on land which incorporates aural messages in conjunction with any advertising device where such aural messages are emitted for the purpose of advertising;

"authorised person" means a person authorised by the local government under section 9.10 of the Act;

"bill" means any written, printed or illustrated message or matter on paper, plastic or similar material;

"billboard" has the same meaning as hoarding;

"bill posting" means the attaching, sticking, painting or stencilling of any bill, poster, placard or advertisement on any building, wall, hoarding or structure whether erected upon private property or upon a public place and to "post a bill" has a corresponding meaning;

"business" includes the conduct of a profession, trade or occupation including a home occupation;

"cinema or theatre sign" means a sign as referred to in clause 4.24;

"community association" means an institution, association, club, society or body, whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and the members of which are not entitled to or permitted to receive any pecuniary profit;

"construction site sign" means a sign erected at a building site in accordance with the provisions of the *Builders' Registration Act 1939*;

"development sign" means a sign erected on land which has been approved for subdivision into a number of small lots, advertising the lots for sale but upon which no building development has taken place at the time of the approval of the sign;

"direction sign" means a sign erected in a street or place to indicate the direction to another place but does not include a sign erected or affixed by the local government or the Commissioner of Main Roads or a road direction sign erected or affixed by a duly incorporated association or union of

motorists authorised in that regard by the Minister for the time administering the *Road Traffic Act 1974*;

"district" means the district of the local government;

"display home sign" means a sign erected on a lot on which a house has been erected for the purpose of display and which notifies members of the public that the house is open for inspection;

"dwelling" has the meaning given to it by the *Residential Design Codes of Western Australia of 2008*;

"election sign" means a bill, poster, placard or advertisement erected, attached, pasted, painted, stencilled, on any hoarding, wall, building, or structure whether erected upon private property or upon a public place notifying members of the public of a person's intention to stand as a candidate at an election for the Federal or Western Australian Parliament or the Council of the local government, but does not include a sign erected by the local government for the purpose of public information;

"exempt sign" is a sign specified as exempt pursuant to clause 2.2(1) of this local law;

"fascia" means the cladding or panel erected to enclose or finish the edge of the roof of a building and which may be incorporated as an architectural feature;

"fascia sign" means a sign erected or displayed on the fascia of a building;

"fly posting" without limiting the generality of the provisions in this local law relating to bill posting means advertising by means of more than one bill, poster or placard attached, applied, painted, stencilled or affixed on fences, walls, buildings, structures, trees, rocks and any place or thing and "fly post" has a like meaning;

"free-standing sign" means a sign that is self-supporting and not attached to any structure or thing and does not include signs on vehicles or trailers;

"frontage" means that part of one elevation of a building that faces a street from which access and egress to the building is obtained;

"hoarding" means a structure such as a billboard, that is erected for the sole purpose of displaying one or more signs, advertising devices or advertisements and includes a poster panel, a wall panel or an illuminated panel but does not include a hoarding regulated under section 377 of the *Local Government (Miscellaneous Provisions) Act 1960*;

"home occupation" means an occupation or profession which is carried on in a dwelling or within the property by a person resident therein;

“horizontal sign” means a sign affixed or attached with its largest dimension horizontal to and parallel with the wall of a building or a structure to which it is attached;

“identification sign” means a sign displayed for the purpose of identifying a business, profession, trade or occupation including a home occupation;

“illuminated sign” means a sign that is so arranged as to be capable of being lit either from within or from without the sign by artificial light provided, or mainly provided, for that purpose;

“information panel” means a panel used for displaying government and local government notices and general information for the benefit of the public and general commercial advertising;

“institutional sign” is a sign that is displayed on any land or building used for or in connection with a surgery, clinic, hospital, rest home, home for the aged, or other institution or place of a similar nature, which sign is used for the purposes of identifying the institution or detailing the function and/or the activities of the institution concerned.

“licensee” means a holder of a licence issued by the local government pursuant to this local law;

“local government” means the Shire of Mundaring;

“planning approval” means approval by the local government under a local planning scheme controlling land development and use within the district;

“portable sign” means a sign not permanently attached to the ground or to a structure, wall, fence or building and including but not limited to a sandwich board sign consisting of two sign boards attached to each other at the top or elsewhere by hinges or other means;

“projection sign” means a sign that is made by the projection of light on a wall or similar structure;

“pylon sign” means a sign supported by one or more supports that is not attached to a building and includes a sign framework supported on one or more structural supports to which signs can be added, but does not include a hoarding;

“reserve” includes land under the care, control and management of the local government, land vested in the local government, land reserved under the *Land Administration Act 1997* and land the subject of a reservation under a local planning scheme;

“roof sign” means a sign erected on the roof of a building;

“rural producer’s sign” means a sign erected on land lawfully used for rural purposes which advertises goods or products produced, grown or

lawfully manufactured on the land within the boundaries of which the sign is located;

"sale sign" means a sign indicating that the property or premises whereon the sign is affixed, is for sale, for letting or to be auctioned;

"sign" includes an advertising device, any signboard or any message, direction or representation whatsoever displayed on a building or structure, a bunting sign, any clock other than a clock which is built into a wall and does not project beyond the face of the wall, flags and bunting whether they contain a written message or not, a hoarding and every other type or style of sign defined or referred to in this local law;

"temporary community service sign" means a sign relating to or giving directions to a charitable, cultural, educational, recreational, religious or other public or community function, exhibition, meeting, display, event or activity conducted by a community association or similar body and other than for commercial gain;

"tower sign" means a sign affixed to or placed on a chimney stack, mast or tower;

"vehicle" has the meaning given to it by the *Road Traffic Act 1974*;

"verandah" includes cantilever awnings, cantilever verandahs and balconies whether in, or above a street, way, footpath, public place or private property;

"verandah sign" includes a sign on, above or under a verandah;

"wall panel" means a panel used for displaying a bill, poster, or painting advertisement which panel is attached or affixed to the wall of a business premises or which panel is erected in or about the forecourt of such business premises.

- 1.6** Unless the context otherwise requires, any word or expression used in this local law but not defined in this Part has the same meaning as is given to it in the Act.

Part 2 – Licences and exemptions

2.1 Requirement for licence

Subject to clause 2.2:

- (a) a person shall not erect, maintain or display a sign or advertising device on or above any land or building; and
- (b) an owner or occupier of premises shall not suffer or permit a sign or advertising device to be erected, maintained or displayed in, on or above such premises,

except pursuant to a licence issued under this local law in the form set out in Schedule 3.

2.2 Exemptions

- (1) A sign of a type described in sub-clause (2) of this clause that complies with the further requirements stipulated in sub-clause (3) of this clause is exempt from the requirement to obtain a licence under clause 2.1

- (2) Subject to sub-clause (3), the following types of signs are exempt from the requirement to obtain a licence under clause 2.1:
 - (a) a sign erected or maintained pursuant to any statute having operation within the State;
 - (b) a sale sign;
 - (c) a sign used solely for the direction and control of people, animals or vehicles or to indicate the name or street number of a premises, if the area of the sign does not exceed 0.2 square metres;
 - (d) an advertisement affixed to or painted on a shop window by the occupier thereof and relating to the business carried on therein;
 - (e) a sign within a building, complex or facility that cannot be seen from outside the building, complex or facility;
 - (f) a building name sign on residential flats or home units where it is of a single line of letters not exceeding 300 millimetres in height, fixed to the façade of the building;
 - (g) a sign displayed on a bin, bus shelter, seat or other street furniture, in accordance with the terms and conditions of a contract between the local government and the entity responsible for that sign;
 - (h) an election sign;
 - (i) an identification sign;
 - (j) a construction site sign;
 - (k) a sign erected by the local government on land owned by or under the care, control and management of the local government;
 - (l) a display home sign;
 - (m) a rural producer's sign;
 - (n) a cinema or theatre sign;
 - (o) a temporary community service sign; or
 - (p) a sign in respect of which a planning approval has been issued under a local planning scheme.

- (3) A sign of a type stipulated as exempt in sub-clause (2), other than under sub-clause (2)(p), shall only be exempt from the requirement to obtain a licence under clause 2.1 if:
 - (a) it is not capable of being illuminated;
 - (b) it does not incorporate animation or movement in its design or structure;
 - (c) it does not contain reflective, retro-reflective or fluorescent materials in any part of its design or structure; and
 - (d) it does not contravene any applicable requirement stipulated in Part 3 or Part 4 of this local law.

2.3 Revocation of licences

- (1) The local government may, without derogation of any penalty to which that person may be liable under this local law, by notice in writing to the licensee revoke a licence:
 - (a) where anything purporting to be done pursuant to a licence issued under this local law is not done in conformity with the licence or the conditions of the licence; or
 - (b) where the licensee commits an offence against this local law.
- (2) The local government shall give written notice to the licensee upon revocation of a licence pursuant to sub-clause (1).
- (3) A decision to revoke a licence under sub-clause (1) is a decision to which Part 9, Division 1 of the Act applies.

2.4 Inspection of licences

- (1) A licensee shall, when required by an authorised person, produce for inspection any licence issued for a sign or advertising device.
- (2) Every licensed sign or advertising device shall bear on its face (bottom left hand corner as viewed) in clearly legible figures (minimum 25 millimetres high) the number of the licence applicable to the sign or advertising device as provided by the local government.

2.5 Application for licences

- (1) An application for a licence shall be made in the form set out in Schedule 2 of this local law.
- (2) The application for a licence for a sign shall be accompanied by 2 sets of plans drawn to a scale of no less than 1 to 50 showing the size, position and design of the sign and the inscription to appear on the sign. These plans must also show the method of construction and fixing of the sign and the setbacks from the lot boundaries and from the street, way, footpath or other public place, as applicable.
- (3) An application for a licence in respect of a sign attached to any structure or thing or a pylon sign shall be accompanied by a certificate from a structural engineer certifying that structure or thing upon which it is proposed to attach or erect the sign is in all respects structurally adequate to support the sign under all prevailing and expected conditions natural or otherwise and that the sign is itself of structurally sound design.
- (4) If so required by the local government an applicant for a licence in respect of an illuminated sign shall produce to the local government a written consent to the erection of the sign, signed by or on behalf of the person or body having for the time being the management of traffic control lights within the district.

- (5) Subject to clause 2.2 and except where otherwise stated in this local law a licence remains valid until an alteration is proposed to be made to the structure or area of the sign in respect of which it is issued and in that event the licensee shall forthwith apply for a new licence.
- (6) A licence issued by the local government shall be in the form set out in Schedule 3 of this local law.
- (7) The local government may impose any conditions it thinks fit to a licence issued under this local law, including any condition limiting the time within which the licence is valid.
- (8) Notwithstanding that a sign or hoarding would otherwise comply with the provisions of this local law, the local government may refuse an application for a licence if the sign or hoarding would, in its opinion:
 - (a) increase the number or variety of signs in an area so as to have a detrimental effect on the amenity of the area; or
 - (b) compromise public safety, free passage of traffic or the carrying out of authorised works in a street, way, footpath or public place.
- (9) The local government may at its discretion issue a licence in respect of a sign that would otherwise be in contravention of this local law.
- (10) Every applicant for a licence shall provide such further information or particulars as may be required by the local government in order to determine the application.

2.6 Licence fees

Subject to clause 4.8(2), a licence shall only be issued upon payment of the applicable licence fee, which shall be determined by the local government from time to time in accordance with section 6.16 of the Act.

2.7 Duration of licence

- (1) Unless otherwise stipulated in a condition of the licence, a licence remains valid until the licence is revoked by the local government under clause 2.3.
- (2) Upon revocation of a licence the licensee or the owner or occupier of the land on which the sign is displayed or any other person responsible for displaying the sign must immediately remove the sign from display.

2.8 Compliance with conditions of licence

- (1) A person shall not erect, maintain or display a sign the subject of a licence issued under this local law otherwise than in compliance with any conditions to which the licence was made subject.

- (2) An owner or occupier of land shall not suffer or permit a sign the subject of a licence issued under this local law to be erected, maintained or displayed otherwise than in compliance with any conditions to which the licence was made subject.

Part 3 – Restrictions and General Requirements

3.1 Restrictions

- (1) A person shall not erect or maintain a sign that in the opinion of the local government may:
- (a) obstruct or impede the sightlines required for the free and safe movement of traffic in, to, or from any street, thoroughfare, access way, footpath, public place or private property;
 - (b) be confused with or mistaken for an official traffic light or sign or so as to contravene the *Road Traffic Act 1974* or the Regulations made thereunder;
 - (c) impede the visibility or effectiveness of, or any part of, a traffic sign or traffic control signal;
 - (d) prevent an approaching driver from clearly distinguishing the whole or part of a traffic sign or traffic control signal; or
 - (e) distract a driver's attention from a traffic sign or traffic control signal.
- (2) A person shall not erect or maintain a sign:
- (a) subject to clause 2.2, on land that is zoned residential (under a local planning scheme) if the approved use is other than residential, unless a licence is issued under this local law;
 - (b) on a building the stability of which is, in the opinion of the local government, likely to be affected by the sign;
 - (c) as a movable or portable sign in a street or public place except with the approval of the local government;
 - (d) on a light or power pole without the approval of the relevant authority responsible for the erection or maintenance of that pole;
 - (e) if in the opinion of the local government it would be injurious or unsuitable to the amenity of the area; or
 - (f) on a reserve within the district except for a temporary community service sign approved by the local government.

3.2 Inscription on signs

Except in the case of a hoarding or direction sign, a sign shall only display one or more of the following unless otherwise approved by the local government:

- (a) the name of one or more of the occupiers of the premises to which it is affixed;
- (b) details of the business or businesses carried on in the premises; or
- (c) details of the goods sold in the premises.

3.3 Existing signs

- (1) Subject to the provisions of this clause, a sign which was erected and maintained lawfully under a previous local law of the local government shall remain lawful for a period of five years, notwithstanding the date of revocation of that local law.
- (2) Any lawfully erected existing sign shall within a period of five years from the date of gazettal of this local law be made to comply with the standards and requirements of this local law, whether or not it was the subject of a licence under a previous local law.
- (3) Any sign in respect of which a licence was issued under a previous local law of the local government for a limited period of time shall, upon the expiration of that period, be made to comply with the provisions of this local law.
- (4) If a licence or permit for a sign was issued under a previous local law of the local government without limitation as to time and the sign does not comply with the provisions of the local law, if any alteration is proposed to be made to the structure, area or message of the sign, then the alteration may only be undertaken upon a new licence for the sign as altered being issued by the local government under this local law.
- (5) Any existing sign that was not:
 - (a) the subject of a licence issued under a previous local law of the local government; or
 - (b) was not otherwise lawfully erected under a previous local law of the local government,must be immediately made to comply with the requirements of this local law upon its coming into effect.

3.4 Fixing of signs

A sign erected or displayed within the district shall:

- (a) be securely fixed to and not affect the stability of any structure by which it is supported to the satisfaction of the local government and shall be maintained in a safe condition;
- (b) be structurally adequate to resist any forces to which it would be reasonably subjected without collapsing, deforming or moving from the position in which it was erected or displayed; and
- (c) not be erected or displayed so as to obstruct the free passage of vehicles or pedestrians.

3.5 Headroom

Every sign erected above a public thoroughfare, walkway, access way or the like shall, unless otherwise permitted by the local government or the provisions of this local law, be so fixed so as to provide clear headroom of not less than 2.75 metres.

3.6 Obstruction to doors, etc

A sign shall not be erected or maintained so as to obstruct access to or from a door, fire escape or window, other than a window designed for the display of goods.

3.7 Glass in signs

Glass shall not be used in any sign other than an electric light globe or tube.

3.8 Readily combustible material

Except in the case of posters securely affixed to a signboard or hoarding, paper, cardboard, cloth or other readily combustible material shall not form part of or be attached to any sign.

3.9 Signs to be kept clean

Every sign shall be kept clean and free from unsightly matter and shall be maintained by the licensee or owner in good order free of dilapidation.

3.10 Bill posting

A person shall not post a bill or paint, stencil, place or affix an advertisement on a street or on a building, structure, fence, wall, hoarding, sign post, tree, blind or awning so as to be visible to a person in a street, public place, reserve or other land, except on a hoarding approved for the purpose by the local government.

3.11 Fly posting

A person shall not fly post at any place or location within the district.

PART 4 – REQUIREMENTS FOR PARTICULAR SIGNS

4.1 Audio signs

Audio signs shall not be permitted unless approval for the same has been obtained from the local government and any other government agency whose approval is required under a written law.

4.2 Airborne devices

Any airborne sign including blimps, balloons or the like shall:

- (a) be approved by the relevant Commonwealth Government Department or agency;
- (b) not be permitted unless the application for licence is accompanied by a Certificate of Public Liability insurance in an amount sufficient in the opinion of the local government to adequately insure against any damage or injuries arising from or in the use of the airborne device;
- (c) whilst in use be supervised by a person or persons approved by the local government; and
- (d) be removed immediately upon the request of the local government where in its opinion the weather conditions are such as to make the airborne device a risk to public safety.

4.3 Construction site signs

- (1) A construction site sign shall:
 - (a) be limited in its content to the details of the construction project and the contractors undertaking the construction work;
 - (b) comply with the requirements of the *Builder's Registration Act 1939*; and
 - (c) be displayed only during the course of construction at the subject site and removed upon completion of construction.
- (2) Only one construction site sign shall be permitted on the lot upon which construction works are being undertaken.

4.4 Development signs

A development sign shall:

- (a) only be erected where the area of residential land being subdivided exceeds five hectares;
- (b) only be erected in the ratio of 1m² of area per hectare up to a maximum of 20 square metres with no individual sign exceeding 10m²; and
- (c) be removed from the site within one year or when all of the lots in the subdivision have been sold, whichever is the sooner.

4.5 Direction signs

A direction sign attached to a pole in a thoroughfare shall not exceed 150 millimetres in depth or 850 millimetres in length with a minimum headway of 2.75 metres.

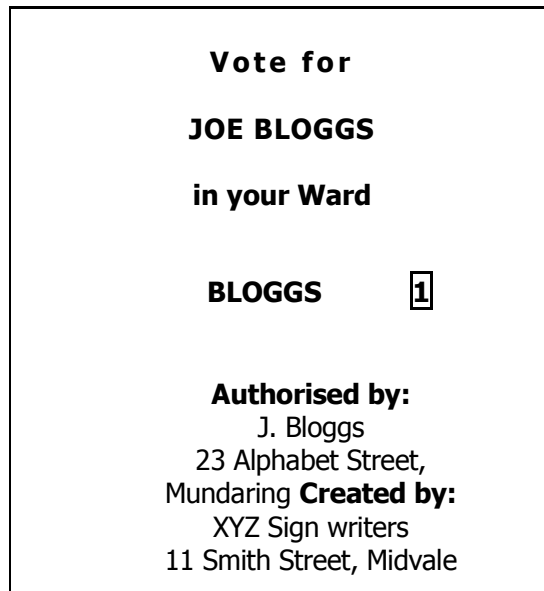
4.6 Display home signs

A display home sign shall:

- (a) be provided in a ratio not exceeding 2 square metres per home in a display centre with no individual sign exceeding 5 square metres;
- (b) not have an overall height of more than 5 metres;
- (c) not be illuminated after 9.00 p.m.; and
- (d) be permitted while the display centre or home is being used for display purposes and shall be removed forthwith once the display function ceases operation.

4.7 Election signs

- (1) An election sign shall comply with the requirements set out in this clause.
- (2) Each candidate in an election may display the following:
 - (a) two (2) election signs that:
 - (i) are each not more than 3.0 square metres in area; and
 - (ii) are either free-standing, vehicle-mounted or fixed to private property; and
 - (b) ten (10) smaller free-standing election signs that:
 - (i) are not more than 1 metre in height;
 - (ii) are not more than 1 metre in width; and
 - (iii) have no more than two (2) faces.
- (3) A sign described in sub-clause(2)(a)(ii) must, if free-standing, be certified as being structurally adequate by a structural engineer and if located near a vehicle access way also be certified as being frangible (collapsible on impact).
- (4) An election sign must not be illuminated, incorporate movement, or contain reflective or fluorescent materials in any part of its design or structure.
- (5) An election sign must only display information in relation to how a candidate is requesting an elector to vote (refer to sample below).



- (6) Subject to sub-clause (7), an election sign may be placed in, on or affixed to (as the case may be):
- (a) a road reserve (i.e. a street verge or nature strip) provided that the sign is free-standing and not placed so as to cause a traffic hazard or on a median strip;
 - (b) a motor vehicle or trailer parked in or on a street or public place, provided that the sign or the motor vehicle or trailer to which it is affixed does not present a hazard or obstruction to motor traffic, cyclists or pedestrians;
 - (c) private property, only if the approval of the owner of the property is obtained prior to the erection of the election sign.
- (7) An election sign must not be placed in, on or affixed to (as the case may be):
- (a) any street sign, street furniture, guide post, light or power pole, bus stop, bus shelter, or other such structure;
 - (b) trees on Crown land or local government property;
 - (c) any local government building;
 - (d) the median strip or verge of Great Eastern Highway, unless approval has been granted by Main Roads WA;
 - (e) a vehicle or trailer parked in a location that may present a hazard or obstruction to motor traffic, cyclists or pedestrians;
 - (f) in any location so as to cause (in the opinion of the local government) a hazard or potential hazard to traffic, pedestrians or cyclists.
- (8) The election sign must detail the name and street address of:
- (a) the person who authorised; and
 - (b) the person who created,
- the election sign.

- (9) An election sign:
- (a) may be removed by the local government from a public place if it does not comply with the requirements of this clause; and
 - (b) must be removed within 2 days of the close of polling.

4.8 Hoardings

- (1) A hoarding shall not exceed 8 square metres in area and 3 metres in height except with the approval of the local government.
- (2) Unless otherwise determined by the local government, the licence fee for a hoarding shall be payable annually so long as the hoarding is maintained pursuant to a licence issued under this local law.

4.9 Horizontal signs

- (1) A horizontal sign shall:
 - (a) be fixed at not less than 2.75 metres above the surface below it;
 - (b) be fixed parallel to the wall of the building to which it is attached;
 - (c) comply with the following:

Minimum Distance of Sign above Street	Maximum Height of Letters on Sign
Less than 5 m	500 mm
5 m to 7.5 m	1000 mm
7.5 m to 9 m	1200 mm
9 m to 12 m	1500 mm

- and
- (d) not project more than 600 millimetres from the wall to which it is attached.

4.10 Identification signs

- (1) An identification sign shall:
 - (a) contain only the name, occupation, profession, trade or business of the occupier of the premises on which the sign is erected or displayed; and
 - (b) not exceed 0.2 square metres in area.
- (2) There shall be only one identification sign for each occupation, profession, trade or business in a building.

4.11 Illuminated signs

An illuminated sign shall:

- (a) be constructed of non-combustible material;

- (b) have its electrical installation constructed and maintained to the satisfaction of the electricity supply authority and in accordance with AS/NZS 3000:2007;
- (c) be maintained to operate as an illuminated sign; and
- (d) not have a light of such intensity as to cause annoyance to the public.

4.12 Information panels

The local government may provide information panels and permit the inclusion of advertisements in such panels.

4.13 Institutional signs

An institutional sign shall not exceed 0.5 square metres in area except with the approval of the local government.

4.14 Projection signs

- (1) A person shall not project a sign that can be seen from a public place onto a building, screen or structure except:
 - (a) pursuant to a licence issued under this local law; and
 - (b) with the written consent of the owner of the building, screen or structure.
- (2) A licence shall not be issued by the local government for a projection sign:
 - (a) unless the surface onto which it is proposed to project the sign is specified in the application for the licence; and
 - (b) if the sign when projected would be more than 6m in width or 6m in height.
- (3) Where it is proposed to project a series of signs the local government may issue one licence in respect of all the signs in that series but no sign or signs other than those for which a licence has been issued shall be projected.
- (4) It shall not be permitted to project a sign onto any surface not specified in the licence.
- (5) The owner or occupier of a building, screen or structure shall not permit any sign or signs to be projected onto it unless a licence has been issued pursuant to this local law.

4.15 Pylon signs

- (1) Unless otherwise approved by the local government, a pylon sign shall:
 - (a) be adequately designed and certified by a structural engineer for

- the location in which it is to be erected;
 - (b) where supported on two or more supports, be constructed so that the space between the supports shall not be wholly or partly filled in with any material lower than 2.75 metres above ground level;
 - (c) be constructed so that no part of the sign is more than 6m above the level of the ground immediately under the sign;
 - (d) not exceed 2 metres measured in any direction across the face of the sign or have a greater surface area than 4 square metres;
 - (e) not be within 1.8 metres of the side boundaries of the lot on which it is erected; and
 - (f) not have any part less than 6 metres away from any part of another sign erected on the same lot.
- (2) Where more than one pylon sign is proposed to be erected on a lot on which factory units or small shops are built, or are proposed to be built, the local government may require all pylon signs to be incorporated into one sign complying with the following:
- (a) if a licence is issued for the pylon sign framework, together with one or more infill signs, a new application is to be submitted for each additional infill panel;
 - (b) space is to be provided for one infill panel per shop or unit on the lot;
 - (c) all infill signs are to be of equal size; and
 - (d) the total area of the infill signs shall be determined by the local government.

4.16 Roof signs

A roof sign shall:

- (a) require approval from the local government;
- (b) be no less than 2.75 metres above the surface below it;
- (c) not extend laterally beyond the external walls of the building;

4.17 Rural producer's sign

A rural producer's sign may be erected or displayed on land zoned rural, general rural, rural landscape living or similar under a local planning scheme of the local government provided that:

- (a) the sign shall only advertise produce which has been grown and processed on the land on which the sign is erected;
- (b) the sign is removed when the produce is not available for sale;
- (c) if there are two or more lots which abut each other and under one ownership there shall be no more than two such signs displayed at any one time in respect of all produce grown on all of those lots;

- (d) the sign shall not exceed 1 square metre in area or 3 metres in height.

4.18 Sale signs

Subject to this local law a person shall not erect or maintain a sale sign:

- (a) exceeding 2 square metres in area for sale signs applicable to single dwellings;
- (b) exceeding 5 square metres for sale signs applicable to multiple dwellings, shops, commercial or industrial properties;
- (c) exceeding 10 square metres for sale signs applicable to large shopping centres or rural properties larger than 5ha in their entirety;
- (d) in respect of an auction sale, for more than 28 days before the date of the auction or for more than 7 days after that date;
- (e) advertising that flats or dwelling units in a building to be erected on the land on which the sign is situated are or will be available for letting or for purchase;
 - (i) before the date of issue of the building licence in respect of that building; or
 - (ii) after three months following the completion of the building.

4.19 Signs on fences

Signs on fences are not permitted within the district.

4.20 Temporary community service signs

- (1) A temporary community service sign may be erected on private land or, with the approval of the local government, on a public place subject to the following:
 - (a) no sign shall exceed 0.5 square metres in area;
 - (b) there shall be no more than 10 such signs relating to the same event or function displayed within the district;
 - (c) the sign or signs shall be removed within seven (7) days after the function has been held;
 - (d) no two temporary community service signs advertising the same event or activity shall be erected within 100 metres of each other; and
 - (e) no more than two temporary community service signs each advertising different events or activities shall be erected or displayed closer together than 2 metres.
- (2) A person who erects a temporary community service sign that does not comply with the provisions of this local law commits a breach of this local law and the local government may, subject to compliance with the impounding provisions contained in Part 3, Division 3, Subdivision 4 of the Act, in addition to instituting a prosecution for the

breach, remove the temporary community service sign the subject of the contravention from any public place or thoroughfare.

4.21 Temporary signs on private dwellings

A sign advertising the sale of items of domestic goods or property may be temporarily displayed on a residential lot on which there is a dwelling provided that:

- (a) the goods or property advertised for sale are second hand;
- (b) the sale is not part of the activity of any business, trade, occupation or profession;
- (c) the quantity of goods or property advertised to be sold are in domestic quantities;
- (d) there are not more than two temporary signs displayed on a lot;
- (e) the total area of the sign or signs shall not exceed 0.5 square metres;
- (f) the sign is displayed for no more than 7 days; and
- (g) the sign is not displayed on the same lot for more than two periods of 7 days within any six month period.

4.22 Tower signs

A tower sign shall not, unless otherwise approved by the local government:

- (a) indicate or display any matter other than the name of the owner or occupier of the land or premises on which the tower sign is erected;
- (b) if illuminated, be a flashing sign;
- (c) exceed in height one sixth of the height of the mast, tower or chimney stack on which it is placed and in any case shall not exceed 5 metres in height;
- (d) exceed in width the width or diameter of the mast, tower or chimney stack on which it is placed; or
- (e) extend laterally beyond any part of the mast, tower or chimney stack on which it is placed.

4.23 Verandah and fascia signs

- (1) Verandah signs and fascia signs shall:
 - (a) not be constructed or erected unless plans and specifications thereof and structural details of the verandah and sign have been submitted to and approved by the local government, by issue of a licence under Part 2 of this local law;
 - (b) be not less than 2.75 metres above the surface below it;
 - (c) comply with the following:

Minimum Distance of Sign above Street	Maximum Height of Letters on Sign
Less than 5 m	500 mm
5 m to 7.5 m	1000 mm
7.5 m to 9 m	1200 mm
9 m to 12 m	1500 mm

and
 (d) not be an illuminated sign unless approved by the local government.

- (2) Fascia signs shall:
- (a) be so constructed that the bottom edge of the sign is not lower than the bottom edge of the fascia or the top edge not higher than the top edge of the fascia; and
 - (b) not project beyond the outer frame or surround of the fascia.

4.24 Cinema and theatre signs

Each cinema or theatre (including a drive-in cinema or theatre) may display a maximum of 2 signs advertising the entertainment being presented from time to time at the venue upon which the signs are displayed, provided that each sign shall not exceed 5 square metres in area.

Part 5 – Miscellaneous

5.1 Offences

- (1) Any person who:
- (a) erects, maintains or displays; or
 - (b) suffers or permits to be erected, maintained or displayed,
- a sign that does not comply with the provisions of this local law commits an offence.
- (2) Any person who does anything prohibited under this local law or fails to do anything required or directed to be done under this local law commits an offence.

5.2 Notice of breach

- (1) Where a breach of any provision of this local law has occurred in relation to a sign, the local government may give a notice in writing ('notice of breach') to:
- (a) the owner of the land on which the sign is erected, maintained or displayed;
 - (b) the person responsible for erecting, maintaining or displaying the sign; or
 - (c) the licensee of the sign.
- (2) A notice of breach shall:
- (a) specify the provision of this local law which has been breached;

- (b) specify the particulars of the breach; and
- (c) state the manner in which the recipient is required to remedy the breach to the satisfaction of the local government within the time period stipulated in the notice which shall be not less than 14 days from the giving of the notice.

- (3) It is an offence to fail to comply with a notice of breach issued by the local government pursuant to sub-clause (1).

5.3 Penalties

- (1) An offence against a clause specified in Schedule 1 of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount appearing in the final column of Schedule 1 directly opposite an offence described in that Schedule is the modified penalty for that offence.
- (3) Any person who commits an offence under this local law shall be liable upon conviction to a penalty not exceeding \$5,000 and if the offence is of a continuing nature to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

5.4 Removal of signs

- (1) The local government may remove and impound any sign placed or erected on any public place in contravention of the provisions of this local law.
- (2) The impounding of any sign pursuant to sub-clause (1) shall be carried out in accordance with Part 3 Division 3 Subdivision 4 of the Act and regulation 29 of the *Local Government (Functions and General) Regulations 1996*.
- (3) The local government may make good any damage caused by the installation or removal of a sign contravening the provisions of this local law at the expense of the owner of the sign or person responsible for the placing or erecting of the sign and recover the expense of such removal and repair from the owner or person in a court of competent jurisdiction.

5.5 Public liability insurance and indemnity

- (1) Where, as a condition of a licence, the owner or licensee is required to provide a public liability insurance policy indemnifying the local government against all actions, suits, claims, damages, losses and expenses made against or incurred by the local government arising from any activity, action or thing performed or erected in accordance with the licence and keep that insurance policy current for the duration of the licence, the owner or licensee shall:

- (a) take out and maintain a public liability insurance policy in the name of the owner or licensee and the local government for a minimum value of \$10 million;
 - (b) include a clause in the policy which prevents the policy from being cancelled without the written consent of the local government;
 - (c) include a clause in the public liability insurance policy which requires the owner or licensee and the insurance company, to advise the local government if the policy lapses, is cancelled or is no longer in operation;
 - (d) on the request of an authorised person provide for inspection a certificate of currency for the required insurance policy.
- (2) The licence may be revoked where an owner or licensee refuses or cannot provide a current certificate of insurance within two (2) working days as requested in accordance with clause 5.5(1)(d).

5.6 Appointment of authorised persons

The local government may appoint authorised persons for the purpose of performing any function or functions under this local law, in accordance with section 9.10 of the Act.

5.7 Form of notices

For the purposes of this local law:

- (1) the form of the infringement notice referred to in section 9.17 of the Act is Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and
- (2) the form of the infringement withdrawal notice referred to in section 9.20 of the Act is Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

5.8 Prosecution for offences

A penalty for an offence against this local law (not being a modified penalty) may be recovered by the local government by taking proceedings against the alleged offender in a Magistrates Court.

5.9 Right of objection and appeal

- (1) When the local government makes a decision as to whether it will:
 - (a) grant a person a licence under this local law;
 - (b) renew, vary, or revoke a licence that a person has under this local law; or
 - (c) give a person a notice of breach under clause 5.2 of this local law,

then the provisions of Division 1 of Part 9 of the Act and regulation 33 of the *Local Government (Functions and General) Regulations 1996* apply to that decision.

Schedule 1 - Offences and modified penalties

[cl. 5.3]

Clause No.	Nature of Offence	Modified Penalty \$
2.1	Erect, maintain or display or permit to be erected maintained or displayed, a sign without a licence	250
2.4(1)	Fail to produce a sign licence for inspection when required	250
2.4(2)	Fail to display the sign licence number in clear legible figures as required	250
2.8	Erect, maintain or display or permit to be erected, maintained or displayed a sign otherwise than in accordance with licence conditions	250
3.1(1)(a)	Erect or maintain a sign so as to obstruct required sightlines for traffic	250
3.1(1)(b)	Erect or maintain a sign that may be confused or mistaken for official traffic lights or signs	250
3.1(2)(b)	Erect or maintain a sign on a building of which the stability is likely to be affected by the sign	250
3.1(2)(c)	Erect or maintain a moveable or portable sign in a street or public place	250
3.1(2)(d)	Erect or maintain a sign on any light or power pole	250
3.4(a)	Fail to securely fix a sign to a supporting structure	250
3.5	Fail to fix a sign with clear headroom of not less than 2.75 metres	250
3.6	Erect or maintain a sign so as to obstruct access to or from a door, fire escape or window not designed for display of goods	250
3.7	Erect or maintain a sign, other than an electric light globe or tube, that contains glass	250
3.8	Erect or maintain a sign containing readily combustible material	250
3.9	Fail to keep a sign clean and maintained in good order	250
3.10	Post a bill, affix an advertisement visible from street, public place, reserve or other land other than on an approved hoarding	250
3.11	Fly post at any place or location in the district	250
	Any other offence not specified	250

Schedule 2 – Form: Application for licence
SHIRE OF MUNDARING SIGNS LOCAL LAW 2009

[cl. 2.5(1)]

Name of Owner/Occupier of land on which the sign is to be erected:

Submitted by _____

Address for correspondence _____

I/We hereby apply for a licence to erect and maintain a _____

_____ sign on Lot _____ House No: _____

Street: _____, Suburb: _____ in accordance

with the attached plan and details submitted in duplicate.

Signature of Applicant _____

Signature of Owner/Occupier _____
(if different from Applicant)

Date _____

Schedule 3 – Form: Licence

[cl.2.1]

SHIRE OF MUNDARING SIGNS LOCAL LAW 2009

Licence No: _____ Date: _____

This licence is granted to _____

of _____

in respect of a _____

on premises known as No _____

This licence is issued in accordance with Application No. _____ and is subject to the *Shire of Mundaring Signs Local Law 2009*.

The licence is valid until any alteration is made to the sign and in that event the licensee must apply for a new licence.

If this licence is issued in respect of a hoarding, the licence expires on _____
dd/mm/yyyy

Manager Building Services

Dated: 28 January 2010

The Common Seal of the Shire of Mundaring was hereunto affixed by authority of Council*.

J. THROSSELL, Chief Executive Officer

T. PASHLEY, Authorised Officer*

* pursuant to clause 4.8(1) and (5) of the
Shire of Mundaring Standing Orders Local Law.